



# THE ERIE COUNTY LEGISLATURE

Session No. 8  
APRIL 27, 2023

April N.M. Baskin  
*Chair*

Timothy J. Meyers  
*Majority Leader*

John J. Mills  
*Minority Leader*

Robert M. Graber  
*Clerk of the Legislature*

ROLL CALL

INVOCATION - Mr. Gilmour

PLEDGE OF ALLEGIANCE - Mr. Johnson

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING - Meeting No. 7

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

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JOHNSON	Congratulating and Recognizing Wane Thomas Barnes on a Phenomenal Career
BASKIN & JOHNSON	Remembering the Life of Quinton R. Smith
JOHNSON & GILMOUR	In Remembrance of Duryll S.D. Anderson
MINORITY CAUCUS	Honoring Jeff Miers on His Retirement from the Buffalo News
MILLS	Honoring Marilyn Cordia for Over 50 Years of Service to the Farnham Volunteer Fire Department Ladies Auxiliary
MILLS	Honoring Superintendent James Bialasik on School Lunch Hero Day
MILLS	Honoring Cafeteria Staff on "School Lunch Hero Day"
GREENE	Recognizing Summit Center and Proclaiming April as Autism Awareness Month in Erie County
GREENE	Recognizing the Farooq Family for Their Efforts to Improve Our Environment

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TODARO	Honoring Mark Pruitt for Thirty-Four Years of Service to the Village of Alden Department of Public Works
TODARO	Honoring and Celebrating Ronny's Take Out Pizza on its 40th Anniversary
TODARO	Honoring the Bowmansville Garden Club on National Gardening Day
TODARO	Honoring the Lancaster Garden Club on National Gardening Day
TODARO	Honoring and Congratulating Chief William Karn on His Retirement
VINAL	Indian Heritage Month (May 2023)
JOHNSON	National Black Barbershop Appreciation Day
MAJORITY CAUCUS	Recognizing National Library Workers Day
JOHNSON	Recognizing Military Appreciation Month 2023
BASKIN	Honoring The Buffalo Club of the National Association of Negro Business and Professional Women's Clubs Inc. - Acknowledging "Sojourner Truth Day" in Buffalo
BASKIN	Celebrating and Honoring Día de los Niños/El Día de los Libros (Children's Day/Book Day)
BARGNESI & KOOSHOIAN	Recognizing Eileen Koterak Elibol - Newest Member of the KVIS
BARGNESI	Honoring James P. Stauffiger Town of Tonawanda Police Chief - Citizen of the Month, April 2023
VINAL	Congratulating and Recognizing C.R. Rao - 2023 International Prize in Statistics Recipient
VINAL	In Remembrance of Kara Margaret Stein
MALCZEWSKI	Celebrating the 75th Anniversary of the East Aurora American Legion Post 362 Auxiliary
MALCZEWSKI	Commemorating the 40th Anniversary of the East Aurora Vietnam Veterans Club

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GREENE Celebrating National Adopt a Shelter Pet Day in Erie County and Recognizing Buddy's Second Chance Rescue

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TODARO Honoring Erie 1 BOCES' Career and Technical Education on National Skilled Trades Day

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GREENE Recognizing Akron Central Schools Nutrition Service Staff on "School Lunch Hero Day"

**LOCAL LAWS:**

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LL INTRO. 1-1 (2022) TODARO, GREENE, LORIGO & MILLS A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult Energy & Environment

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LL INTRO. 3-1 (2022) BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR The Erie County Language Access Act Health & Human Services

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LL INTRO. 3-1 (2023) JOHNSON The Occupancy Tax Modernization Act Finance & Management

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LL INTRO. 1-2 (2023) MILLS, GREENE, TODARO, MALCZEWSKI, BASKIN, MEYERS, JOHNSON, KOOSHOIAN, BARGNESI, VINAL & GILMOUR Providing for 10% Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers in Erie County Finance & Management

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LL INTRO. 2-2 (2023) BASKIN, MEYERS, JOHNSON, VINAL, KOOSHOIAN, BARGNESI & GILMOUR The Public Art Act of Erie County Community Enrichment

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LL INTRO. 4-1 (2023) BASKIN The Videoconferencing Participation Act Finance & Management

**COMMITTEE REPORTS:**

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REPORT No. 5            ENERGY & ENVIRONMENT COMMITTEE

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REPORT No. 4            FINANCE & MANAGEMENT COMMITTEE

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REPORT No. 5            ECONOMIC DEVELOPMENT COMMITTEE

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REPORT No. 5            PUBLIC SAFETY COMMITTEE

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REPORT No. 3            COMMUNITY ENRICHMENT COMMITTEE

**LEGISLATOR RESOLUTIONS:**

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INTRO. 8-1            MALCZEWSKI            Opposing Federal Government's Change in  
Loan-Level Price Adjustment Matrix

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INTRO. 8-2            GREENE            Opposing SkyWest Airlines' Request for  
Reclassification

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INTRO. 8-3            MALCZEWSKI            Opposing NYS Senate Proposal to Add a  
Surcharge on Ride Sharing Services

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

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COMM. 8E-18            BASKIN            Appointment of Commissioner of the ECWA

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COMM. 8D-1            COUNTY ATTORNEY            Opinion as to Form Local Law Intro No. 1-2  
2023

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COMM. 8D-2            COUNTY ATTORNEY            Opinion as to Form Local Law Intro No. 4-1  
2023

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

COMM. 8E-1	COUNTY EXECUTIVE	2022 Year-End Budget Balancing Amendments & Designations	Immediate Consideration Requested
COMM. 8E-2	COMPTROLLER	Comptroller Analysis of 2022 Budget Balancing Amendments & Designations	Finance & Management
COMM. 8E-3	SHERIFF	Chaplain Agreements for Holding Center & Correctional Facility	Public Safety
COMM. 8E-4	MEYERS	Letter Concerning Absence for Session No. 8	RFP
COMM. 8E-5	COUNTY EXECUTIVE	ECSD Nos. 1 & 3 - Various Sanitary Sewer Replacements	Economic Development
COMM. 8E-6	COUNTY EXECUTIVE	ECSD No. 3 - National Fuel Gas Distribution Corporation	Economic Development
COMM. 8E-7	COUNTY EXECUTIVE	ECSD No. 3 - Niagara Mohawk Power Corporation	Economic Development
COMM. 8E-8	COUNTY EXECUTIVE	EC Fair Housing Study - Authorization to Enter Into an Agreement with Consultant	Economic Development
COMM. 8E-9	COUNTY EXECUTIVE	PILOT Agreement for Ellicott Town Center, City of Buffalo - Affordable Housing Development	Economic Development
COMM. 8E-10	COUNTY EXECUTIVE	Chestnut Ridge Park Culvert PK-21 Stone Wall Replacement	Economic Development
COMM. 8E-11	COUNTY EXECUTIVE	SUNY ECC City Campus, 2021 Ellicott St. Building - Clay Tile Roof Repair Rebid	Economic Development
COMM. 8E-12	COUNTY EXECUTIVE	Grover Cleveland Golf Course Schenck House & Restroom Renovation Project Construction Award	Economic Development
COMM. 8E-13	COUNTY EXECUTIVE	Personnel Adjustment - EC Department of Probation & Increased Appropriation for Electronic Monitoring	Public Safety
COMM. 8E-14	SHERIFF & COUNTY EXECUTIVE	Tablet Program Expansion & Community Reintegration Office Furniture	Public Safety

COMM. 8E-15	COMPROLLER	Submission Pursuant to EC Code of Ethics	RFP
COMM. 8E-16	MILLS	Letter Concerning Absence for Session No. 8	RFP
COMM. 8E-17	SHERIFF	Award On-Site Diagnostic Imaging Services for the Holding Center & Correctional Facility	Public Safety

**COMMUNICATIONS FROM THE DEPARTMENTS:**

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:**

COMM. 8M-1	NFTA	Metro Cash Flow Statements	Economic Development
COMM. 8M-2	NYSDEC	DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo	Economic Development
COMM. 8M-3	NYS DEPT. OF AGRICULTURE & MARKETS	Final Notice of Intent to Undertake an Action within an Agricultural District, Grand Island	Economic Development

**ANNOUNCEMENTS:**

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**  
**MINUTES OF PREVIOUS MEETING - Meeting No. 7**

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**Attachments**

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Meeting No. 7 Minutes

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**ERIE COUNTY LEGISLATURE  
MEETING NO. 7  
APRIL 13, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Todaro, who offered a prayer.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – Items for reconsideration from previous meeting.

MR. MILLS moved to reconsider COMM. 4E-23 as Amended, from the previous meeting.  
MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RE: 2023 Consolidated Bond Resolution  
(COMM. 4E-23, 2023 as Amended)

RESOLUTION NO. \_\_\_\_\_, 2023  
BOND RESOLUTION DATED \_\_\_\_\_, 2023

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2023 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$55,626,800, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$11,147,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO \$44,479,470 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE "OBLIGATIONS") TO FINANCE THE BALANCE OF SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS.

(Introduced) \_\_\_\_\_, 2023



(Adopted) \_\_\_\_\_, 2023

WHEREAS, the County Legislature (the “Legislature”) of the County of Erie (the “County”), a municipal corporation of the State of New York (the “State”) has been in the process of planning various capital improvements projects (collectively, the “Projects”) that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the “Schedule”); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County’s Energy and Environment Committee (the “Committee”) and/or the County’s Department of Environment & Planning (the “Department”), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and should be undertaken, (B) that there should be expended toward certain of the Projects \$11,147,330 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued up to \$44,479,470 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the balance of the estimated maximum cost of the Projects;

NOW, THEREFORE, BE IT

RESOLVED, by the Legislature (by the favorable vote of not less than two-thirds of all the members of the Legislature) as follows:

SECTION 1. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2023 Capital Budget of the County (the “Budget”), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$11,147,330 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), and, along with the issuance of up to \$44,479,470 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects

or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$44,479,470 of Obligations herein authorized are to be issued, within the limitations of §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in the respective principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the “Comptroller”) is hereby authorized to advance, such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This resolution shall constitute the declaration (or reaffirmation) of the County’s “official intent” to reimburse the expenditures authorized in this resolution with the proceeds of the Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such Obligations.

SECTION 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the procedures for

the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Legislature, to the extent permitted by Section 58.00(f) of the Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the Buffalo Challenger and the Lancaster Bee, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Projects (collectively, the “Environmental Compliance Proceedings”). In the event that any of such Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment.

SECTION 9. The County intends to issue the Obligations to finance a portion of the aggregate cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to

federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution (at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County's municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13 This bond resolution shall take effect immediately upon approval by the County Executive.

[\\*\\*\\*See Chart of Components](#)

MR. MEYERS moved to amend the amendment to COMM. 4E-23 as Amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Amend the Amendment to COMM. 4E-23 as Amended as Follows:

RESOLUTION NO. 47, 2023

BOND RESOLUTION DATED APRIL 13, 2023

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2023 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$46,459,500, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$8,647,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO \$37,812,170 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE "OBLIGATIONS") TO FINANCE THE BALANCE OF SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS.

(Introduced) April 13, 2023

(Adopted) April 13, 2023

WHEREAS, the County Legislature (the "Legislature") of the County of Erie (the "County"), a municipal corporation of the State of New York (the "State") has been in the process of planning various capital improvements projects (collectively, the "Projects") that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the "Schedule"); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County's Energy and Environment Committee (the "Committee") and/or the County's Department of Environment & Planning (the "Department"), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential

environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and should be undertaken, (B) that there should be expended toward certain of the Projects \$8,647,330 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued up to \$37,812,170 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the balance of the estimated maximum cost of the Projects;

NOW, THEREFORE, BE IT

RESOLVED, by the Legislature (by the favorable vote of not less than two-thirds of all the members of the Legislature) as follows:

SECTION 1. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2023 Capital Budget of the County (the “Budget”), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$8,647,330 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), and, along with the issuance of up to \$37,812,170 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$37,812,170 of Obligations herein authorized are to be issued, within the limitations of §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in the respective principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is

hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the "Comptroller") is hereby authorized to advance, such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such Obligations.

SECTION 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the procedures for the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Legislature, to the extent permitted by Section 58.00(f) of the Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the Buffalo Challenger and the Lancaster Bee, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which

should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Projects (collectively, the “Environmental Compliance Proceedings”). In the event that any of such Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment.

SECTION 9. The County intends to issue the Obligations to finance a portion of the aggregate cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any



changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution (at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County's municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13 This bond resolution shall take effect immediately upon approval by the County Executive.

[\\*\\*\\*\\*See Chart of Components](#)

MR. MEYERS moved to approve COMM. 4E-23 as Amended. MR. GILMOUR seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 6 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – Miscellaneous Resolutions were offered, as follows:

BASKIN	Happy 60th Birthday Pastor George Nicholas
GILMOUR	In Remembrance of Johnnie Franklin Jr.
BASKIN & JOHNSON	Acknowledging and Recognizing National Minority Health Month
BASKIN & JOHNSON	Acknowledging and Recognizing National Financial Literacy Month
JOHNSON	Celebrating and Honoring National Borinqueneers Day
BARGNESI & KOOSHOIAN	Congratulating and Recognizing Mia Madore
BARGNESI & KOOSHOIAN	Happy 120th Birthday - City of Tonawanda
BARGNESI & KOOSHOIAN	Congratulating RJ Gicewicz on Being Named Director of Nichols Boys Youth Hockey Program and Head Coach – Boys 18U Prep Program
BARGNESI, BASKIN, GILMOUR, JOHNSON, KOOSHOIAN, MEYERS & VINAL	In Remembrance of Emily Calvin Swans Ruff
VINAL	Congratulating and Recognizing Roseanne Butler-Smith on a Phenomenal Career
VINAL	Recognizing Ted Luckett as the New Principal of St. Gregory the Great
GILMOUR	Celebrating the 12th Anniversary of Waterstone Grill
GILMOUR	Congratulating and Recognizing Patrick Denecke
MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Matthew Spina on His Retirement from the Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Honoring Robert J. McCarthy on His Retirement from  
the Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Honoring Susan Martin on Her Retirement from the  
Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Honoring Paul Ehret on His Retirement from the Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Celebrating National Public Safety Telecommunicators  
Week April 9-15, 2023

GREENE

Honoring the Smallwood Garden Club on National  
Gardening Day

GREENE

Recognizing Neil Frank and Proclaiming April 17-23,  
2023 Volunteer Week in Erie County

GREENE

Honoring the Town and Country Garden Club on  
National Gardening Day

GREENE

Recognizing Donna Lasker and Proclaiming April 17-23,  
2023 Volunteer Week in Erie County

GREENE

Recognizing Harold Schnitzer and Proclaiming April 17-23,  
2023 Volunteer Week in Erie County

GREENE

Honoring the Amherst Garden Club on National  
Gardening Day

TODARO

Honoring the Cheektowaga Garden Club on National  
Gardening Day

TODARO

Recognizing and Honoring Douglas Lahnen for 50 Years  
of Service to the Lancaster Fire Department

TODARO

Honoring and Recognizing Lancaster Dispatch Service During  
National Public Safety Telecommunicators Week  
April 9-15, 2023

TODARO

Honoring and Recognizing Depew Dispatch Service  
During National Public Safety Telecommunicators Week  
April 9-15, 2023

TODARO	Honoring the 125th Anniversary of Cayuga Hose Company #3
MALCZEWSKI	Recognizing Gardenvue Restaurant for Outstanding Customer Service
MALCZEWSKI	Congratulating Dennis Powers on Becoming President of the Association of Towns of the State of New York
MALCZEWSKI	Congratulating Calvin McCabe on His Retirement from the Elma Volunteer Fire Company
MALCZEWSKI	Congratulating Joseph Gauthier on 45 Years of Service with the Elma Volunteer Fire Company
MILLS	Celebrating the 100th Anniversary of the Farnham Volunteer Fire Department
MILLS	Honoring Fran Hogenkamp for His 21 Years of Service as Orchard Park Trustee
MILLS	Honoring George Cordia Jr. for 52 Years of Service to the Farnham Volunteer Fire Department
MILLS	Honoring the Eden Garden Study Club on National Gardening Day
MILLS	Honoring the Orchard Park Garden Club on National Gardening Day
MILLS	Honoring the Evans Garden Club on National Gardening Day

MR. MEYERS moved for consideration of the above thirty-nine items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above thirty-nine items by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-nine items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 6 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 9 – CHAIR BASKIN directed that Local Law No. 1 (Print #2) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 2 (Print #2) 2023 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2023 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 12 – MR. MEYERS presented the following report, moved to separate items Number 2 and Number 3, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

March 30, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS & CHAIR MEYERS.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-2 (2023)  
COMPTROLLER: “Department of Law Risk Retention Fund Spending - December 2022”  
(Acting Chair’s Ruling)
  - b. COMM. 6E-5 (2023)  
COUNTY EXECUTIVE: “2020-2022 Consolidated Bond Projects”  
(Acting Chair’s Ruling)
  - c. COMM. 6D-1 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Cost to Prepare City of Tonawanda Tax Rolls & Bills”  
(Acting Chair’s Ruling)
  - d. COMM. 6D-2 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Cost to Prepare Village Tax Rolls & Bills”  
(Acting Chair’s Ruling)
  - e. COMM. 6D-4 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Cost to Prepare School District Tax Rolls & Bills”  
(Acting Chair’s Ruling)
2. COMM. 6E-6 (2023)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Parks, Recreation & Forestry has contracted with an outside vendor for a number of years to operate the concession area at Grover Cleveland Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, The 19<sup>th</sup> @ Grover Grill, LLC of West Seneca, NY provided the only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the Erie County Executive to enter into an agreement with The 19<sup>th</sup> @ Grover Grill, LLC for operation of the concession stand at Grover Cleveland Golf Course; and be it further

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive 5% of monthly gross revenues from The 19<sup>th</sup> @ Grover Grill, LLC for the length of the contract; and be it further

RESOLVED, the Clerk of the Legislature send certified copies of this Resolution to the County Executive’s Office, the Division of Budget and Management, the Department of Law, and the Department of Parks, Recreation & Forestry.  
(3-0)

3. COMM. 6E-15 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry has never charged for special events held at our facilities; and

WHEREAS, these special events often require additional planning, closures, and labor before, during, and after by Parks Department employees above and beyond their regular duties; and

WHEREAS, many municipal parks departments across the country, including the City of Buffalo, have various fees to account for additional costs associated with such events; and

WHEREAS, this will generate a new revenue source for the County to help cover the costs borne by the Parks Department to host such events; and

WHEREAS, as per recommendations made in the 2019 Erie County Parks Master Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of the below schedule of Special Event fees:

FEE	AMOUNT	NOTES
Single Event Fee	\$200/day	Includes walks, races, festivals, and any like event.
Seasonal Event Fee	\$500/season	Per event series (an event series is considered 3 days or more).

and be it further

RESOLVED, that such fees will be collected within the Department of Parks, Recreation & Forestry’s General Fund Budget, Fund 110, Funds Center 16410, Account # 418590 – Special Events Receipts; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive’s Office, the Division of Budget & Management, the Department of Law and the Department of Parks, Recreation & Forestry.  
(3-0)

**MICHAEL H. KOOSHOIAN**

ACTING CHAIR

MR. MEYERS moved to amend item Number 2. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

Delete the Second Resolved Clause and Replace with the Following:

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive 5% of monthly gross revenues from The 19<sup>th</sup> @ Grover Grill, LLC for three years; and be it further

MR. MEYERS moved to approve item Number 2 as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed that item Number 3 be returned to the FINANCE & MANAGEMENT COMMITTEE for further consideration.

Item 13 – MR. GILMOUR presented the following report, moved to separate item Number 4, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

March 30, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. COMM. 6E-3 (2023)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the re-appointment of Commissioner Marie Cannon, MSW, to the position of the Commissioner of the Department of Social Services.

(5-0)

2. COMM. 6E-7 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Health Foundation of Western and Central New York had previously awarded the Department of Senior Services a \$10,946 Age-Friendly Center for Excellence grant (163AFCE1921) to help facilitate the County’s becoming an Age-Friendly Center of Excellence by covering travel and training costs of employees working on the initiative; and

WHEREAS, the grantor has now offered a no-cost grant extension through December 31, 2023 to complete grant activities; and



WHEREAS, the grant remains 100% funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to extend the grant award and amend the contract with Health Foundation for Western & Central New York for an additional twelve-month period ending December 31, 2023; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust items of appropriations and revenues which may be impacted by this grant; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the: County Executive's Office; Comptroller's Office; Division of Budget and Management; and the Department of Senior Services.

(5-0)

3. COMM. 6E-12 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education places a child in a NYSED approved program, the county must contract with that program at rates fixed by NYSED; and

WHEREAS, the Clarence School District Committee on Preschool Special Education has placed a preschool student from Erie County with the Empower Children's Academy located in Niagara County; and

WHEREAS, the Empower Children's Academy is an approved NYS Education Department Preschool Special Education Program; and

WHEREAS, funds are available in Account 528000 Services to Handicapped Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into contract with the Empower Children's Academy; and be it further

RESOLVED, that sufficient funds are available to cover the cost of this contract within the Department of Health's Division of Children with Special Needs General Fund Budget in Account 528000 – Services to Handicapped Children; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, and to the Commissioner of the Department of Health.

(5-0)

4. COMM. 6E-13 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Health's Public Health Laboratory needs to upgrade its software; and

WHEREAS, the current software is twenty years old and does not have many of the necessary functions for the operations of the laboratory; and

WHEREAS, upgrading the software will allow better tracking of billing, revenue, insurance collections, and many more functions necessary for the laboratory's operations; and

WHEREAS, a request for proposals committee reviewed proposals from four separate companies and selected I3 Verticals Healthcare d/b/a H-Pac Computer Systems based on the laboratory's needs and the cost of services; and

WHEREAS, the upgraded software will increase the productivity and efficiency of the administrative staff and provide more accurate accounting and reports.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with I3 Verticals Healthcare d/b/a H-Pac Computer Systems for an amount not to exceed \$33,000; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract exist within the Health Department's (fund 110, Funds Center 1273010) 2023 General Fund Budget in Account 516020 – Professional Services, Contracts and fees; and it be further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office, and Department of Health.

(5-0)

5. COMM. 6E-14 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Health's Public Health Laboratory uses software to maintain accurate reporting, test results, inventory, and many more functions as part of its operations; and

WHEREAS, the laboratory currently contracts with ApolloLIMS for this software and the technical support for it as needed; and

WHEREAS, ApolloLIMS will soon begin doing business as CliniSys, Inc.; and

WHEREAS, the laboratory seeks authorization to enter into contract with ApolloLIMS d/b/a CliniSys, Inc. to avoid any lapse in coverage for technical support; and

WHEREAS, the software helps maintain the productivity and efficiency of the laboratory to provide information in an accurate and timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with ApolloLIMS d/b/a CliniSys, Inc.; and be further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and the Department of Health.

(5-0)

**JOHN J. GILMOUR**  
**CHAIR**

MR. GILMOUR moved to amend item Number 4. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Delete the First Resolved Clause and Replace with the Following:

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with I3 Verticals Healthcare d/b/a H-Pac Computer Systems for up to five years and an amount not to exceed \$78,450; and be it further

MR. GILMOUR moved to approve item Number 4 as amended. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 14 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 50

RE: Support for a Moratorium and  
Plan on Co-Mingling Events on  
Chippewa Street  
(INTRO. 7-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR JOHNSON**

WHEREAS, the bars and nightclubs in the Chippewa and Central Business districts are regional nightlife attractions in Western New York; and

WHEREAS, this honorable body desires that Downtown remains attractive to a diverse audience so that it remains economically viable and contributes to a positive area image; and

WHEREAS, concerns have been raised in the past about young people under 21 years of age congregating in the Chippewa and Central Business districts and gaining access to alcoholic beverages; and

WHEREAS, downtown Buffalo has dealt with recently disturbances involving young people at retail businesses, coffee shops, and most notably at the Central Library; and

WHEREAS, underage patrons are in part drawn to the districts by co-mingling events offered by bars, night clubs, and promoters where eighteen to twenty-year old (18-20) are allowed entrance for a promotional event; and

WHEREAS, the Buffalo Common Council is now considering applications for additional co-mingling events that would make them an almost constant presence on Chippewa Street; and

WHEREAS, in an effort to promote safety of our young people, a plan with best practices for underage events should be developed to ensure our underage population has enjoyable events in a safe environment as a component of Buffalo's Entertainment District.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body urges The City of Buffalo Common Council not to approve any new co-mingling events until a coordinate plan is developed between City of Buffalo, Buffalo Place, Chippewa Alliance, and other stakeholders, including members of the 18-20-year-old demographic; and

RESOLVED, this honorable body recommends that any plan develop consider factors such as the quantity of events in certain timeframe, the time events are held, and partnership with youth support organizations on co-mingling events; and

RESOLVED, that certified copies of this resolution be sent to the Mayor of Buffalo, the Buffalo Common Council President, Buffalo Place, Chippewa Alliance, and any other person or entity deemed necessary.

MR. MEYERS moved to amend the resolution. MR. JOHNSON seconded.

MS. VINAL moved to send the resolution to committee for further consideration. No second.

FAILED.

CHAIR BASKIN moved the previous question (the motion to amend the resolution).

CARRIED UNANIMOUSLY.

Amend the Title of the Resolution as Follows:

Re: Support for a Plan for Young Adult Events in Downtown Buffalo

Amend the First Resolve Clause as Follows:

RESOLVED, this honorable body supports the development of a coordinated plan between City of Buffalo, Buffalo Place, Chippewa Alliance, and other stakeholders, including members of the 18-20-year-old demographic; and

MR. MEYERS moved to approve the resolution as amended. MR. JOHNSON seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

Item 15 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Extending the Public Benefit Contract with The Research Foundation for SUNY into 2023 (INTRO. 7-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR VINAL**

WHEREAS, in the amended and adopted 2022 Erie County Budget, the Legislature appropriated \$50,000 to Amherst 2021 Summer Math Camp in funding in the Community/Neighborhood Development Fund Center (Account #518629) for the purpose of providing a summer camp to enhance math skills for our youth in a fun, engaging way; and

WHEREAS, the Amherst 2021 Summer Math Camp was administered by The Research Foundation for SUNY (Buffalo State Campus) and the agency has not utilized all of the funds and wishes to continue the work into 2023 with the unspent 2022 funds; and

WHEREAS, the Department of Law has determined that in order for use of the funds to continue into 2023 and to extend the contract with The Research Foundation for the State University of New York, legislative assent via legislative resolution is necessary.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with The Research Foundation for the State University of New York for its Amherst 2022 Summer Math Camp in the Community/Neighborhood Development Fund Center, Fund Center #1332010, Account #518629; and be it further

RESOLVED, that at year-end 2022, the 2022 contract and appropriation for The Research Foundation for the State University of New York for its Amherst 2022 Summer Math Camp had approximately \$785.96 available of unutilized funds, which are available for carry-forward and use on the initiative in 2023 under an extended/amended contract; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Director of Budget and Management, the Commissioner of Environment and Planning, and The Research Foundation for the State of University of New York (Buffalo State Campus).

Item 16 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

RE: Requesting Certain Reports and  
Database Information  
(INTRO. 7-3)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS BASKIN, MEYERS & MILLS**

WHEREAS, the Erie County Legislature is responsible for making revenue and investment decisions for an approximately \$2 billion budget; and

WHEREAS, in order to best analyze the budget and monitor implementation of investment decisions and the realization of anticipated revenue, it would be helpful to be provided with certain additional information at regular intervals; and

WHEREAS, regular updates regarding the status of certain projects is important to be responsive to constituent inquiries regarding the use of their tax dollars; and

WHEREAS, broader access to run reports from the county's SAP database system is also needed.

NOW, THEREFORE, BE IT

RESOLVED, that each Erie County Legislator, and staff as designated by the Chair of the Legislature and Leader of the Minority, be given global access to run reports from the SAP system; and be it further

RESOLVED, that the Erie County Executive's Office is directed to compile and submit a monthly report briefly providing the status of each outstanding capital project, the total cost of the project, the amount borrowed, the amount spent, the amount committed, the amount available, the total interest paid (if bonded) and the expected completion date of the project; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Executive and the Director of Budget and Management.

MR. MEYERS moved to amend the resolution to include Et Al Sponsorship. MR. GREENE seconded.

CARRIEED UNANIMOUSLY.

MR. MEYERS moved to approve the resolution as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Appointment to Buffalo Olmsted  
Parks Conservancy Board of  
Trustees  
(INTRO. 7-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR BASKIN**

WHEREAS, under its by-laws, the Buffalo Olmsted Parks Conservancy, Section 3.21 "Appointed Trustees," states that among its membership one trustee shall be appointed by the Erie County Legislature, and "shall have all the attributes and responsibilities of Board membership"; and

WHEREAS, this honorable body desires to appoint a trustee with a strong connection to the community and with tangible skills to bring to a board's needs; and

WHEREAS, Sia Rodgers has a strong commitment to serving her community and has an ideal background in finance & marketing to assist the organization with its management and fundraising efforts.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body designates Sia Rodgers as its appointee to the Buffalo Olmsted Parks Conservancy Board of Trustees; and

RESOLVED, that certified copies of this resolution be sent to the Buffalo Olmsted Parks Conservancy, the Buffalo Olmsted Parks Conservancy Board of Trustees Chair, and Sia Rodgers.

Item 18 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

RE: Re-Appropriation of 2023 Public  
Benefit Funding  
(INTRO. 7-5)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR GILMOUR**

WHEREAS, Green Options Buffalo was awarded \$25,000 in public benefit funding by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518743; and

WHEREAS, an additional organization has been identified that will be working on a similar initiative and the organization, Village ENGAGED, requires funding; and

WHEREAS, as in similar 2020, 2021 and 2022 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$5,000 of 2023 public benefit funding to Village ENGAGED; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further



RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

Item 19 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

RE: Re-Appropriation of 2023 Public  
Benefit Funding  
(INTRO. 7-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR JOHNSON**

WHEREAS, Erie Regional Housing Development Corporation (Belle Center) was awarded \$65,000 in public benefit funding by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518089; and

WHEREAS, the organization is not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2020, 2021 and 2022 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$65,000 of 2023 public benefit funding to the Resource Council of WNY Inc.; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR MILLS**

Item 20 – (COMM. 7E-1) Board Appointment Recommendation

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM CHAIR BASKIN**

Item 21 – (COMM. 7E-2) Public Notice Concerning Position of Commissioner of the ECWA

Item 22 – (COMM. 7E-3) Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA

Item 23 – (COMM. 7E-4) Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA

Item 24 – (COMM. 7E-5) Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM LEGISLATOR MEYERS**

Item 25 – (COMM. 7E-6) Letter of Absence from February 15, 2023

Received, filed and printed.

March 27, 2023

Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, NY 14202

Dear Clerk Graber,

This letter is to explain my absence from the February 15, 2023 Legislature Session #4. Due to recovery from recent surgery, I was unable to attend the meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

Timothy J. Meyers  
7<sup>th</sup> District Legislator

**FROM THE COMPTROLLER**

Item 26 – (COMM. 7E-7) Dec. 2022 - Feb. 2023 Sales & Compensating Use Tax Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 27 – (COMM. 7E-8) New Stadium Complex in Orchard Park Involving NYS & Buffalo Bills

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 28 – (COMM. 7E-9) Department of Law Risk Retention Fund Spending - Jan. & Feb. 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SHERIFF**

Item 29 – (COMM. 7E-10) Mindful Awareness Skill-Building Workshops for Project Blue Participants

Item 30 – (COMM. 7E-11) Award Professional Services Contract for Pharmacy Services for the Holding Center & Correctional Facility

Item 31 – (COMM. 7E-12) Erie County Sheriff's Office - FY 2022 Operation Stonegarden Grant

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 32 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

RE: Reconstruction of Kenmore Ave., from  
Sheridan Dr. to Grand Island Blvd  
(COMM. 7E-13)

WHEREAS, it is desired to reconstruct Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324), including complete pavement replacement and drainage modification; and

WHEREAS, the Legislature previously approved participation in the Project via COMM. 3E-25 dated February 17, 2022; and

WHEREAS, the department wishes to award the construction contract to the lowest responsible bidder, Union Concrete and Construction Corp. (UCC), in the amount of \$3,076,417, enter into a construction period services agreement with CHA for \$286,000 and establish a project contingency of \$502,583 with the project total not to exceed \$3,865,000; and

WHEREAS, the estimated total cost of the Project is \$3,865,000, and is available in Fund 420, Funds Center 123, Capital Projects B.22001 - 2022 Kenmore Avenue and B.23XXX – 2023 Kenmore Avenue pending the approval of COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution; and

WHEREAS, the Department of Public Works wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to award and execute an agreement between the County of Erie and CHA Consulting, Inc., for construction administration and inspection services in the amount of \$286,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to award and execute a construction contract between the County of Erie and Union Concrete and Construction, Corp. for construction services in the amount of \$3,076,417; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a project contingency in the amount of \$502,583 with a project total not to exceed \$3,865,000; and be it further

RESOLVED, the authorization is hereby given to the County Executive to execute any necessary change orders, amendments and agreements; and be it further

RESOLVED, that with the anticipated approval of COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution by the Legislature on April 13, 2023, \$865,000 in funding will be authorized and available as B.23XXX – 2023 Kenmore Avenue; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Fund Center 123, as follows:

B.22001	2022 Kenmore Avenue	\$ 3,000,000
B.23XXX	2023 Kenmore Avenue	\$ 865,000
Total Not to Exceed		\$ 3,865,000

and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one (1) copy each to the County Executive's Office, the Comptroller's Office, and the Division of Budget and Management.

Item 33 – (COMM. 7E-14) Replacements of 2022 Culvert Group 1 - Towns of Boston & Eden

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 34 – (COMM. 7E-15) Approving Amended Agreement for Intercampus Student Transportation - SUNY Erie

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 35 – (COMM. 7E-16) PILOT Agreement for Solar Energy Systems - 871 Whitehaven Rd., Town of Grand Island

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 36 – (COMM. 7E-17) WNY Regional Clean Energy Hub Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 – (COMM. 7E-18) Contract with the ECIDA for the Relocation of Railroad on the Former Bethlehem Steel Site

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (COMM. 7E-19) ECSD No. 3 - Engineer Contract Agreement

Item 39 – (COMM. 7E-20) ECSD No. 8 - East Aurora Water Resource Recovery Facility Control Building Improvements

Item 40 – (COMM. 7E-21) ECSD No. 6 - Engineer Term Contract Agreement

Item 41 – (COMM. 7E-22) ECSD No. 2 - Engineering Term Contract Agreement

Item 42 – (COMM. 7E-23) ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Electrical Substation & Plant-Wide Generator Equipment Procurement

Item 43 – (COMM. 7E-24) Placeholder - Energy & Environment Committee

Item 44 – (COMM. 7E-25) Erie County Parks Signage Phase 1 Construction

The above seven items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (COMM. 7E-26) 2023 Public Works Projects - Authorization to Appropriate Funds & Enter Into Contracts

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

### **COMMUNICATIONS FROM THE DEPARTMENTS**

#### **FROM THE DEPUTY COMPTROLLER OF AUDIT**

Item 46 – (COMM. 7D-1) Audit of the Department of Law - Notification of Expanded Scope of the Indigent Defense Program to Include Claim Reimbursements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

#### **FROM THE CLERK OF LEGISLATURE**

Item 47 – (COMM. 7D-2) Letters of Interest & Resumes for Position of Commissioner of the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

#### **FROM THE COUNTY ATTORNEY**

Item 48 – (COMM. 7D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

#### **FROM THE DEPUTY COMPTROLLER OF AUDIT**

Item 49 – (COMM. 7D-4) EC Comptroller's Office Audit of the Department of Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

### **COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM PEGGY A. LAGREE

Item 50 – (COMM. 7M-1) Letter of Interest - Commissioner ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY MEDICAL CENTER CORPORATION

Item 51 – (COMM. 7M-2) 2022 Annual Report of ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 52 – (COMM. 7M-3) NFTA Revised Budget for FYE 24

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DEC

Item 53 – (COMM. 7M-4) DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo

Item 54 – (COMM. 7M-5) DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Main St., Buffalo

Item 55 – (COMM. 7M-6) DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Fillmore Ave., Buffalo

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYSERDA

Item 56 – (COMM. 7M-7) Notice of Intent to Undertake an Action Within an Agricultural District - Town of Grand Island

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 57 – (COMM. 7M-8) List of Certified 2023 State Equalization Rates

Item 58 – (COMM. 7M-9) List of Certified 2023 State Equalization Rates

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 59 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, April 20, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, April 27, 2023.

Chair Baskin also announced that a public hearing will be held concerning Local Law Intro. 3-1 (2023), The Videoconferencing Participation Act, at 6:00 p.m. on Thursday, April 20, 2023, and Local Law Intro. 1-2 (2023), Providing for 10% Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers in Erie County, at 6:15 p.m., in the Legislature Chambers.

Finally, Chair Baskin announced that County Executive Poloncarz will hold his State of the County address at the Buffalo and Erie County Public Library, Main Branch, this afternoon at 4:00 p.m.

**MEMORIAL RESOLUTIONS**

Item 60 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Laura Barish-Vincent.

Item 61 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Steve W. Bugary.

Item 62 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Barbara Rudnicki, and Thomas Seibor.

Item 63 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of Karen J. Mang.

Item 64 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Brian P. Connors.

Item 65 – Legislator Kooshoian requested that when the Legislature adjourns, it do so in memory of J. Michael Lennon.

Item 66 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Baldassare Mistretta and Kwame Brathwaite.

**ADJOURNMENT**

Item 67 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.



MR. JOHNSON moved that the Legislature adjourn until Thursday, April 27, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, April 27, 2023 at 12:00 Noon.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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JOHNSON

Congratulating and Recognizing Wane Thomas Barnes on a  
Phenomenal Career

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Attachments

Wane Thomas Barnes

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, APRIL 15, 2023

EC LEG APR 14 '23 PM 3:47

*Congratulating and Recognizing  
Wane Thomas Barnes on a Phenomenal Career*

**WHEREAS**, for the past two decades, *Wane Thomas Barnes* has gone above and beyond to proudly represent Erie County, in particular the City of Buffalo; and

**WHEREAS**, Wane Thomas Barnes, the second oldest of 5 siblings, was born in the Bronx in New York City; and

**WHEREAS**, Wane grew up in a household that was an enclave of discipline, compassion and multi-layered skill sets; and

**WHEREAS**, as a former member of the Martin Luther King International Glee Club, Barnes was literally a choirboy in his youth; and

**WHEREAS**, Mr. Thomas earned a baccalaureate degree in Business Management and Economics; and

**WHEREAS**, it was in Buffalo that Wane met his future wife, Sarita Broadus, whom he married in 2005; and

**WHEREAS**, throughout their union in marriage, they became the proud parents to 3 children; and

**WHEREAS**, after spending 25 years as an inmate in the New York State prison system, Wane emerged in September of 2001 determined to help others not make the same mistakes he did; and

**WHEREAS**, in 2001, Wane met Tom McLaughlin of the City Mission, where he was employed until 2011; and

**WHEREAS**, Wane's ability to instill hope in everyone makes him a natural leader; and

**WHEREAS**, subsequently, Wane donned many hats at the Mission from intake, security, and food delivery, as well as hiring; and

**WHEREAS**, in 2002, Wane was introduced to the late Jan Peters of the Buffalo Federation of Neighborhood Centers (BFNC), where he was employed until his retirement in 2023; and

**WHEREAS**, Wane demonstrated an ability to manage the most difficult and treatment-resistant clients; and

**WHEREAS**, former Judge Robert Russell, Jr. one of the longest serving judges in the history of Buffalo City Court, described Wane as a man “who uses his life experiences to deal with the Forensic defendants in a manner that is decidedly different and more successful than his counterparts. His honesty and forthrightness are refreshing, often bringing humor to court proceedings, and on occasion outright joy regarding some of the remarkable outcomes. I often say that I wish that I had several more just like him.”; and

**WHEREAS**, as a devoted advocate for service over the past 2 decades, Wane has developed five businesses, three of which are still thriving, including a consulting firm, rooming houses for those with mental health diagnoses and a development business; and

**WHEREAS**, he once toured with singer Andy Williams and performed in Paris in the Cathedral of Notre Dame; and

**WHEREAS**, this Honorable Body desires to acknowledge and recognize individuals such as Wane who enhance, represent, and serve their community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature pauses in its deliberations to honor *Wane Thomas Barnes* for his dedicated service to the people of the City of Buffalo; and be it further

**RESOLVED**, that this Honorable Body thanks Wane for his work ethic and dedication to the City Mission, the Buffalo Federation of Neighborhood Centers (BFNC) and wishes him the very best wishes on his retirement and commends him on a career well-served.

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**Hon. Howard J. Johnson Jr.**  
*Erie County Legislator, 1<sup>st</sup> District*

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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**BASKIN & JOHNSON**

Remembering the Life of Quinton R. Smith

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**Attachments**

Quinton R. Smith

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY

EC LEG APR 24 '23 PM 4:09

BUFFALO, NY, APRIL 13, 2023

*Remembering the Life of Quinton R. Smith*

**WHEREAS**, Almighty God, in His infinite wisdom, on March 24, 2023, removed from our midst *Quinton Smith* in whose death we have lost a loving father, grandfather, great-grandfather, brother, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

**WHEREAS**, Quinton Roseboro Smith, a young man with a vision, was born February 16, 1942, to the late Amelia and Roseboro (Buddy) Smith in Heath Springs, South Carolina; and

**WHEREAS**, known by many as "Smitty", Quinton accepted Christ at an early age and united with St. Paul's A.M.E. Zion Church on Eagle Street; and

**WHEREAS**, upon entering Burgard High School, he enrolled in the Aviation Mechanics program; and

**WHEREAS**, this trade was the perfect transition to his next venture of joining the United States Air Force in 1960; and

**WHEREAS**, upon separating from the military, Quinton returned to Buffalo and was employed by General Motors Tonawanda Engine Plant until his retirement in 1992; and

**WHEREAS**, alongside his father and brother, Quinton was instrumental in the construction of St. Paul's new edifice; and

**WHEREAS**, in 1983, after the propane explosion that devastated most of the building, Quinton put his carpentry skills to work again to help reconstruct the church; and

**WHEREAS**, Quinton not only captured the attention of many with his unconditional and uplifting love to serve our community, but also, he devoted time being an exceptional role model to his family and friends; and

**WHEREAS**, he sought to have a full-service salon in the African American community as a place where men and women could have a safe environment with an atmosphere of relaxation, camaraderie, and services; and

**WHEREAS**, after several renovations and gradual expansion over the years, the grand opening for the new, full-service salon took place on February 19, 2000; and

**WHEREAS**, Studio 322, an upscale unisex salon, was one of Buffalo's best kept secrets; and

**WHEREAS**, the Buffalo Common Council congratulated Smitty for 25 years of outstanding service to the community; and

**WHEREAS**, Quinton's dedication to the community extended beyond the hair business into his hobbies that include photography and craftsmanship; and

**WHEREAS**, Quinton is also credited for the blue and white street address markers that can be seen around The City of Buffalo and have been instrumental to the Buffalo Police Department and Emergency Response Team; and

**WHEREAS**, Quinton was predeceased by his parents and his wife, Mary (Wiggins) Smith; and

**WHEREAS**, the life and legacy of Quinton Smith will continue to live and prosper on Earth through his loved ones including his two devoted children from his marriage, Ursula King (Quinton) of Charlotte, NC and Chris Vaughn of Buffalo, New York; Jason Cannon (Ikeisha), Sloan McBryde, and Emmanuel McBryde (Lori); nine grandchildren; one great grandchild; one sister, Marjorie Washington (Richard, departed); one brother, James Smith (Clara Sharon, departed); two brothers-in-law; two sisters-in-law; an elder aunt, Mary Ricks-Stephens of California; and a host of nieces, nephews, cousins, friends, and loved ones; and

**WHEREAS**, it is the sense of this Legislative Body to honor and pay tribute to the life of *Quinton Smith* whose lifelong dedication to God, family and community are an inspiration to be admired, emulated and honored.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby mourn the passing of *Quinton Smith* and pause in its deliberations to recognize his praiseworthy life, his love of family and for his commitment and devotion to the betterment of our community; and be it further

**RESOLVED**, that the Erie County Legislature express its sympathy and condolences to the Smith family and to his many friends, knowing full well that he has received his eternal and glorified reward in Heaven, having heard the consoling words of the Master, "*Well done, thou good and faithful servant.*"

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**Hon. April N.M Baskin**  
*Erie County Legislator, 2<sup>nd</sup> District*

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**Hon. Howard J. Johnson Jr.**  
*Erie County Legislator, 1<sup>st</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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JOHNSON & GILMOUR

In Remembrance of Duryll S.D. Anderson

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Attachments

DURYLL S.D. ANDERSON

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, APRIL 13, 2023

*In Remembrance of Duryll S.D. Anderson*

EC LEG APR 24 '23 PM 4:09

**WHEREAS**, Almighty God, in His infinite wisdom, on April 3, 2023, removed from our midst *Duryll S.D. Anderson*, in whose death we have lost a loving father, son, brother, grandson, valued and respected citizen, and whose family has lost a leader, and kind and devoted member; and

**WHEREAS**, *Duryll Anderson* was born on January 15, 1995 to Andrielle Brooks & Duryll Anderson; and

**WHEREAS**, Duryll, affectionately known by many as "Baby Duryll" or "Relly Stank" was well educated in the Buffalo Public School; and

**WHEREAS**, he would go on to play football and basketball during his teenage years in various leagues; and

**WHEREAS**, this young man possessed a confident swag and believed he could defeat anyone on the basketball court, in particular, his little brother Shyhiem; and

**WHEREAS**, as an individual, Duryll was a devoted and dedicated father who would go above and beyond to provide for his most significant blessing on this earth, his beautiful daughter, Cali Ariel Anderson; and

**WHEREAS**, his selflessness and generosity were the features of his warm personality; and

**WHEREAS**, Duryll had an unassuming and disarming smile that put anyone at ease; and

**WHEREAS**, Duryll was a lover of his Broadway neighborhood, dancing, laughing, music and his faith; and

**WHEREAS**, as a young man who blessed this Earth for 28 fruitful years, Duryll cherished and valued his family and the countless friendships he made throughout high school and throughout our community; and

**WHEREAS**, Duryll was special and represented the good that we all need every day in our lives; and

**WHEREAS**, Duryll's desire was to become a property and business owner, and although his body is with the Lord, D&D Roadside Logistics and Apex Construction Development LLC will move forward and prosper in his honor; and

**WHEREAS**, Duryll's life and legacy will continue to prosper on Earth through his loving daughter, Cali; his parents, Andrielle Brooks and Duryll Anderson (Gianna); two grandmothers, Theresa Anderson and Sheron Giddens; two grandfathers, Andre Brooks (Patricia) & David Johnson; five sisters, Qua'John, Jamerica, Tajai, Tyquasia and Gia; six brothers, Shyhiem, Rayzhon, Nashir, Quadir, Nalej and SynCere; his aunts, uncle, cousins and many, many friends who loved him dearly; and

**WHEREAS**, his love blessed the hearts of many, especially his daughter, parents, brothers and sisters, grandparents and many others with his respect, infectious personality, and a lovable sense of humor, he never hesitated to let people know that he loved them, which left those feeling an immeasurable warmth in their soul; and

**WHEREAS**, knowing how giving and selfless a father and Man of God Duryll was, his daughter Cali made a heart-warming decision, a decision that will forever be present in the lives of 5 others across the nation; and

**WHEREAS**, it is the sense of this Legislative Body to honor and pay tribute to the life of *Duryll S.D. Anderson*, whose lifelong dedication to God, family and community are an inspiration to be admired, emulated and honored.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby remember the life of *Duryll S.D. Anderson* and pause in its deliberations to recognize his praiseworthy life, his love of his daughters and his family, his love for creating happiness for others, and his commitment and devotion to the betterment of our community; and be it further

**RESOLVED**, that the Erie County Legislature expresses its sympathy and condolences to the Johnson family and to *Duryll's* many friends, knowing full well that he has received his eternal and glorified reward in Heaven, having heard the consoling words of the Master, "*Well done, thou good and faithful servant.*"

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**Hon. Howard J. Johnson Jr.**  
*Erie County Legislator, 1<sup>st</sup> District*

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**Hon. John J. Gilmour**  
*Erie County Legislator, 9<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

---

SUBJECT

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MINORITY CAUCUS

Honoring Jeff Miers on His Retirement from the Buffalo News

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Attachments

JEFF MERS

---

**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023, A.D.**

**I HEREBY CERTIFY THAT** *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> Day of April 2023, A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Jeff Miers**  
**on his Retirement from the Buffalo News**

**WHEREAS**, Journalism is the collection, preparation, and distribution of news to make an impact in people's lives with the intent to keep them informed of changing events and to empower them to act on the information they receive for the betterment of themselves, the community, and the world; and

**WHEREAS**, the Buffalo News was founded in 1873 by Edward Hubert Butler Sr., with its market area eventually reaching the largest adult population in the state, and throughout the paper's 150-year history, its journalists have won many awards; and

**WHEREAS**, **Jeff Miers** has had a love for music since his earliest memories and can't imagine a life or career that did not include music at the center of it; and

**WHEREAS**, **Jeff Miers** began working for The Buffalo News in 2001 after a decade-long career as editor of two alternative newsweeklies and his monthly all-music magazine;

**WHEREAS**, **Jeff Miers** has been deeply invested in Buffalo's music and arts communities and shared his passion with his readers through columns, reviews, and features striving to bring awareness of the vibrant music scene Buffalo offers to others; and

**WHEREAS**, **Jeff Miers** considers his greatest honor in life to share his love and passion for music and the rich and varied music scene in Buffalo with his readers and the Western New York community; and

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Erie County Legislature pauses in its deliberations to honor and recognize **Jeff Miers** for his twenty-one-year career with The Buffalo News and to thank him for elevating the local music community through his work.

*IN WITNESS WHEREOF,  
I HAVE HEREUNTO SET MY HAND AND SIGNATURE.*

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**JOHN J. MILLS**  
*Minority Leader of the  
Erie County Legislature*

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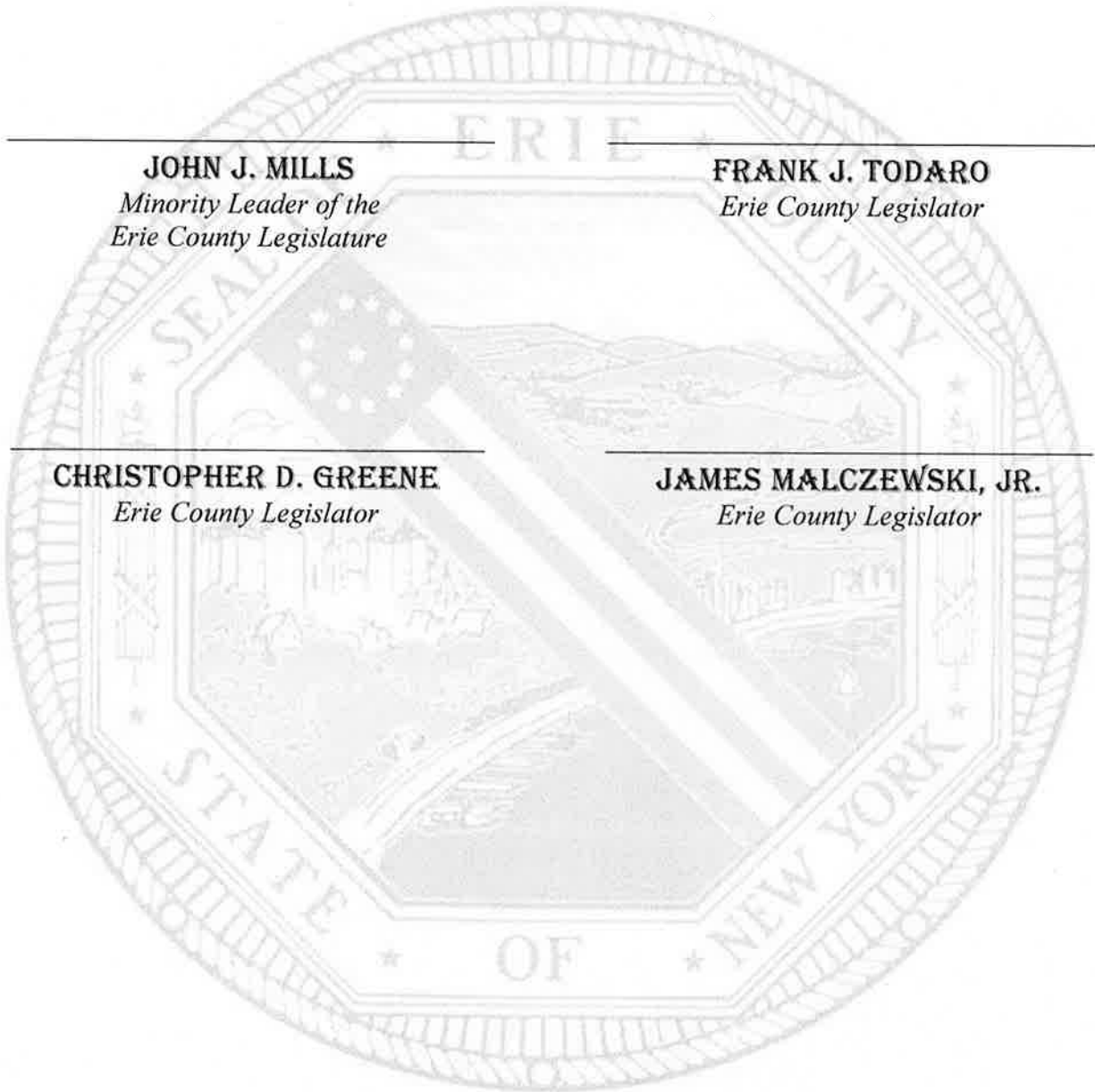
**FRANK J. TODARO**  
*Erie County Legislator*

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**CHRISTOPHER D. GREENE**  
*Erie County Legislator*

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**JAMES MALCZEWSKI, JR.**  
*Erie County Legislator*



Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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MILLS

Honoring Marilyn Cordia for Over 50 Years of Service to the  
Farnham Volunteer Fire Department Ladies Auxiliary

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Attachments

MARILYN CORDIA

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 2023 A.D.**

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, in the month of April 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Marilyn Cordia for Over 50 Years of Service to the  
Farnham Volunteer Fire Department Ladies Auxiliary**

**WHEREAS, Marilyn Cordia** has earned widespread respect and admiration for her over fifty years of dedicated, selfless service to the Farnham Volunteer Fire Department Ladies Auxiliary, tirelessly giving back to the community; and

**WHEREAS, Marilyn Cordia** serves as the esteemed Secretary of the Ladies Auxiliary, making invaluable contributions to the administrative functioning of the organization while showcasing her exceptional organizational skills and attention to detail; and

**WHEREAS,** in addition to her administrative role, **Marilyn Cordia** has been actively involved in every fundraiser and initiative of the Farnham Volunteer Fire Department Ladies Auxiliary, exemplifying her unwavering commitment and dedication to the organization's mission; and

**WHEREAS,** this is especially true at the annual chicken barbecue, where **Marilyn Cordia** is always the first to arrive and the last to leave, making the event a resounding success year after year; and

**WHEREAS, Marilyn Cordia** resides in Farnham with her husband, George, a local firefighter, which is where they raised their two children, Stacy and Scott; and

**WHEREAS,** Marilyn and George form an outstanding team that has made a significant impact in the Farnham community through their combined efforts in volunteering; and

**WHEREAS, Marilyn Cordia** has earned a special place in the hearts of the Farnham community with her kindness, generosity, and unwavering dedication to volunteering, leaving an indelible mark on the community and will be cherished for generations to come.

**NOW, THEREFORE, BE IT RESOLVED,** the Erie County Legislature pauses in its deliberations to honor and recognize **Marilyn Cordia** for her unwavering commitment to the Farnham Volunteer Fire Department Ladies Auxiliary and the entire community.

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**JOHN J. MILLS, MINORITY LEADER**  
*Erie County Legislator – 11<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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MILLS

Honoring Superintendent James Bialasik on School Lunch  
Hero Day

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Attachments

JAMES BIALASIK

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Superintendent James Bialasik on  
School Lunch Hero Day**

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, May 5, 2023, is **School Lunch Hero Day**, a time to recognize and appreciate individuals who go above and beyond to ensure that all students have access to safe and nutritious meals; and

WHEREAS, **Superintendent James Bialasik** has tirelessly worked to ensure that every child in the Springville Griffith School District has access to nutritious meals, addressing hunger and food insecurity among students; and

WHEREAS, **Superintendent James Bialasik** has passionately lobbied for changes to support free meals for all children showcasing his dedication to the well-being of our students; and

WHEREAS, the efforts of **Superintendent James Bialasik** and his staff have created an inclusive and nurturing environment where all students can thrive; and

WHEREAS, **Superintendent James Bialasik's** leadership, dedication, and tireless work have positively impacted the well-being of our students and our community.

NOW, THEREFORE,

BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Superintendent James Bialasik** on May 5, 2023, **School Lunch Hero Day**, for his unwavering commitment to providing free school meals to our students and advocating for positive change.

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JOHN J. MILLS, MINORITY LEADER  
Erie County Legislator – 11<sup>th</sup> District

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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MILLS

Honoring Cafeteria Staff on "School Lunch Hero Day"

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Attachments

CAFETERIA STAFF

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Cafeteria Staff on “School Lunch Hero Day”**

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, May 5, 2023, is **School Lunch Hero Day**, a time to recognize and appreciate individuals who go above and beyond to ensure that all students have access to safe and nutritious meals; and

WHEREAS, the **Cafeteria Staff at Orchard Park High School School** work tirelessly every day to prepare and serve nutritious meals to their students, ensuring they have the fuel they need to succeed in their academic endeavors; and

WHEREAS, the **Cafeteria Staff at Orchard Park High School School** demonstrate unwavering commitment and dedication to their role in providing healthy meals to children, rain or shine, always with a smile on their faces; and

WHEREAS, the **Cafeteria Staff at Orchard Park High School School** eagerly accommodates special dietary needs and ensures that all children have access to safe and nutritious meals; and

WHEREAS, the **Cafeteria Staff at Orchard Park High School School** are an integral part of the school community, creating a welcoming and nurturing environment for everyone.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor the **Cafeteria Staff at Orchard Park High School School** in recognition of “School Lunch Hero Day” for their unwavering commitment and dedication to providing nutritious meals to our students and fostering a positive food environment.

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JOHN J. MILLS, MINORITY LEADER  
*Erie County Legislator – 11<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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GREENE

Recognizing Summit Center and Proclaiming April as Autism  
Awareness Month in Erie County

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Attachments

AUTISM AWARENESS

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Summit Center and Proclaiming April as  
Autism Awareness Month in Erie County**

**WHEREAS,** Autism Spectrum Disorder (ASD) is a complex neurodevelopmental disorder that affects communication, social interaction, and behavior, and it affects 1 in 54 children in the United States, according to the Centers for Disease Control and Prevention; and

**WHEREAS,** Summit Center in Amherst, New York, is a leading provider of comprehensive diagnostic and therapeutic services for children and adults with ASD and related developmental disorders; and

**WHEREAS,** Summit Center has been providing high-quality services to the Western New York community for over twenty-five years, including diagnostic evaluations, individual and group therapy, school consultation, and parent support groups; and

**WHEREAS,** Summit Center is committed to providing evidence-based, person-centered, and culturally-sensitive services to empower individuals and families affected by ASD to achieve their full potential and lead fulfilling lives; and

**WHEREAS,** April is Autism Awareness Month, a time to raise public awareness and understanding of ASD and to recognize the contributions of individuals with ASD to our society.

**NOW, THEREFORE, BE IT RESOLVED,** the Erie County Legislature pauses in its deliberations to proclaim April as Autism Awareness Month in Erie County and recognize Summit Center for its outstanding contributions to the Western New York community; and

**BE IT FURTHER RESOLVED,** the Erie County Legislature urges all residents to spread awareness and acceptance of Autism Spectrum Disorder.

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**CHRISTOPHER D. GREENE**  
*Erie County Legislator, District 6*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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GREENE

Recognizing the Farooq Family for Their Efforts to Improve  
Our Environment

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Attachments

FAROOQ FAMILY

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

*I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing the Farooq Family for their Efforts to Improve Our Environment**

**WHEREAS**, the Erie County Legislature honors individuals and families who go above and beyond to give back to their community and enhance the quality of life for residents; and

**WHEREAS**, Earth Day is a day to raise awareness about the beauty of the natural world around us and to encourage better environmental stewardship; and

**WHEREAS**, since 2020 Zeb and Osman Farooq, along with community partners, have planted hundreds of trees in parks across Amherst in recognition of Earth Day; and

**WHEREAS**, through these annual planting events, they have taught local children about the importance of being good stewards of the environment and the importance of giving back to your community; and

**WHEREAS**, this Farooq family tradition started with their daughter, Sabrina, as part of a service project in 2020 through her faith-based book club, the Ghazali Children's Book Club, which focuses on tapping into the innate and intrinsic goodness inside everyone; and

**WHEREAS**, this Earth Day, April 22, 2023, the Farooq family continued this important tradition by planting nearly 500 tree seedlings at the Clarence Nature Center; and

**WHEREAS**, the Farooq family's commitment to improving the environment and their willingness to give back to their community will benefit residents for many years.

**NOW, THEREFORE, BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to recognize the **Farooq family** for their ongoing efforts to plant trees across our community and their unwavering commitment to improving our environment.

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**HON. CHRISTOPHER D. GREENE**  
*Erie County Legislator – 6<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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TODARO

Honoring Mark Pruitt for Thirty-Four Years of Service to the  
Village of Alden Department of Public Works

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Attachments

MARK PRUITT

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y. APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Mark Pruitt for Thirty-Four Years of Service  
to the Village of Alden Department of Public Works**

**WHEREAS,** The Erie County Legislature seeks to honor individuals in Erie County who enhance the quality of life in the community through their efforts; and

**WHEREAS,** it is with great honor and appreciation that we recognize **Mark Pruitt** for his thirty-four and a half years of dedicated service to the Village of Alden Department of Public Works; and

**WHEREAS,** **Mark Pruitt** has worked his way up to the esteemed position of Superintendent of Public Works, showcasing his unwavering commitment and dedication to his profession; and

**WHEREAS,** **Mark Pruitt** has earned countless certifications and demonstrated exceptional expertise in managing the Village's infrastructure and ensuring the smooth operation of public works projects; and

**WHEREAS,** **Mark Pruitt** has always been a devoted husband to his wife Jeannine of thirty-three years, a loving father to his children Brandy, Jamie, Jesse, and Jordan, and a proud and caring grandfather to Lenea; and

**WHEREAS,** **Mark Pruitt** has also selflessly volunteered his time and energy to the Alden Volunteer Fire Department for over thirty-nine years, where he has earned a special place in the hearts of the Alden community with his kindness, generosity, and unwavering dedication to volunteering, leaving an indelible mark on the community he loves.

**NOW, THEREFORE, BE IT RESOLVED,** the Erie County Legislature pauses in its deliberations to honor and recognize **Mark Pruitt** for thirty-four years of service and thank him for his unwavering dedication and exceptional contributions to the Village of Alden and his community.

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**LEGISLATOR FRANK TODARO**  
Erie County Legislator – 8<sup>th</sup> District

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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TODARO

Honoring and Celebrating Ronny's Take Out Pizza on its 40th  
Anniversary

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Attachments

RONNY'S PIZZA

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring and Celebrating Ronny's Take Out Pizza  
on its 40<sup>th</sup> Anniversary**

WHEREAS, the Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, pizza has captured the heart and stomachs of people around the globe for centuries; and

WHEREAS, in the United States alone, it is estimated that over three billion pizzas are sold each year; and

WHEREAS, Mary Jo Balducci and her late husband Ron purchased **Ronny's Take Out Pizza** in 1982 and have been providing their customers with the highest quality of food for the last forty years; and

WHEREAS, **Ronny's Take Out Pizza** is known for using the freshest ingredients on their pizzas and in their homemade blue cheese; and

WHEREAS, in addition to serving delicious pizzas, **Ronny's Take Out Pizza** has supported local organizations and special events that significantly add to the quality of life in the Town and Village of Lancaster.

NOW, THEREFORE, BE IT RESOLVED. The Erie County Legislature pauses in its deliberations to honor and celebrate **Ronny's Take Out Pizza** for 40 years of business and thank them for their tireless commitment to serving our community.

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**HON. FRANK J. TODARO**  
*Erie County Legislator, 8<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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TODARO

Honoring the Bowmansville Garden Club on National  
Gardening Day

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Attachments

BOWMANVILLE GARDEN

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY  
BUFFALO, N.Y., APRIL 27, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring the Bowmansville Garden Club on  
National Gardening Day**

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14, 2023, was *National Gardening Day*, a day designed for gardeners to get out their shovels and begin planting, preparing, and sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening enhances participants' emotional well-being while promoting a healthy lifestyle that adds beauty, splendor, fragrance, and nutrition to our daily lives; and

WHEREAS, since its founding in 1956, the *Bowmansville Garden Club* has been comprised of members who share a passion for flowers, gardens, nature, and the environment; and

WHEREAS, they learn from experts in the gardening field, do hands-on projects; go on field trips, and give back to the community; and

WHEREAS, as a community, we benefit tremendously from the *Bowmansville Garden Club's* numerous contributions and ongoing efforts to beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the *Bowmansville Garden Club on National Gardening Day* and thank them for beautifying the community.

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**Hon. Frank J. Todaro**  
Erie County Legislator – 8<sup>th</sup> District

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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TODARO

Honoring the Lancaster Garden Club on National Gardening  
Day

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Attachments

LANCASTER GARDEN

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY  
BUFFALO, N.Y., APRIL 27, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring the Lancaster Garden Club on National Gardening Day**

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14, 2023, was *National Gardening Day*, a day designed for gardeners to get out their shovels and begin planting, preparing, and sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening enhances participants' emotional well-being while promoting a healthy lifestyle that adds beauty, splendor, fragrance, and nutrition to our daily lives; and

WHEREAS, the *Lancaster Garden Club* was organized in 1929 and federated in 1932 and currently has sixty members; and

WHEREAS, the *Lancaster Garden Club* is a group of members who stimulate interest in gardening among its members, youth, and the community; and

WHEREAS, the *Lancaster Garden Club* works to maintain and preserve New York State's natural beauty and resources; and

WHEREAS, as a community, we benefit tremendously from the *Lancaster Garden Club's* numerous contributions and ongoing efforts to beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the *Lancaster Garden Club on National Gardening Day* and thank them for beautifying the community.

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**Hon. Frank J. Todaro**  
Erie County Legislator – 8<sup>th</sup> District

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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TODARO

Honoring and Congratulating Chief William Karn on His Retirement

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Attachments

WILLIAM KARN

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023, A.D.**

*I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 27th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring and Congratulating Chief William Karn on his Retirement**

**WHEREAS**, the contributions police departments make to the quality of life for the residents they serve are immeasurable and made possible only by the dedication of the brave men and women of law enforcement; and

**WHEREAS**, **William J. Karn Jr.** has provided over twenty-seven years of distinguished service to the Lancaster Police Department and the residents of the Village of Lancaster, the Town of Lancaster, and the public and private entities located in our community; and

**WHEREAS**, in 1996, **William J. Karn Jr.** was hired by the Lancaster Police Department after graduating from the 88<sup>th</sup> Basic Academy Class; and

**WHEREAS**, throughout each step of his career, **William J. Karn Jr.** exhibited honesty, creativity, confidence, resilience, accountability, and decisiveness, all characteristics that contributed to his success as a law enforcement leader; and

**WHEREAS**, **William J. Karn Jr.** was promoted to Lieutenant in 2006 and Captain in charge of the Detective Bureau in 2012; and

**WHEREAS**, as a result of his outstanding character, professionalism, and knowledge of law enforcement, **William J. Karn Jr.** was promoted to Chief of Police of the Lancaster Police Department in 2019; and

**WHEREAS**, under **Chief Karn's** leadership, the Lancaster Police Department instituted a liaison officer program to increase police presence and security in the elementary schools in Lancaster, added a third resource officer to schools, and started the Lancaster Police Department Therapy Dog Program.

**NOW, THEREFORE BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to honor and congratulate **Lancaster Police Chief William Karn** on his retirement and wish him all the best in his future endeavors.

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**FRANK J. TODARO**  
*Erie County Legislator, District 8*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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VINAL

Indian Heritage Month (May 2023)

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Attachments

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INDIAN HERITAGE

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**Legislative Proclamation Submitted**

By Legislator Vinal

EC LEG APR 25 '23 AM 9:58

*Re: Indian Heritage Month (May 2023)*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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JOHNSON

National Black Barbershop Appreciation Day

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Attachments

BLACK BARBERSHOP

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**Legislative Proclamation Submitted**

By Legislator Johnson

EC LEG APR 25 '23 AM 9:58

*Re: National Black Barbershop Appreciation Day*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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MAJORITY CAUCUS

Recognizing National Library Workers Day

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Attachments

LIBRARY WORKERS

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## **Legislative Proclamation Submitted**

By Legislators: Baskin, Bargnesi, Gilmour, Johnson, Kooshoian, Meyers  
and Vinal

EC LEG APR 25 '23 AM 9:58

*Re: Recognizing National Library Workers Day*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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JOHNSON

Recognizing Military Appreciation Month 2023

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Attachments

MILITARY APPRECIATION

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**Legislative Proclamation Submitted**

By Legislator Johnson

*Re: Recognizing Military Appreciation Month 2023*

EC LEG APR 25 '23 AM 9:58

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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BASKIN

Honoring The Buffalo Club of the National Association of  
Negro Business and Professional Women's Clubs Inc. -  
Acknowledging "Sojourner Truth Day" in Buffalo

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Attachments

SOJOURNER TRUTH DAY

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**Legislative Proclamation Submitted**

By Legislator Baskin

EC LEG APR 25 '23 AM 9:58

*Re: Honoring The Buffalo Club of the National Association of Negro  
Business and Professional Women's Clubs Inc.  
Acknowledging "Sojourner Truth Day" in Buffalo*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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BASKIN

Celebrating and Honoring Día de los Niños/El Día de los Libros (Children's Day/Book Day)

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Attachments

CHILDREN'S DAY

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# **Legislative Proclamation Submitted**

By Legislator Baskin

EC LEG APR 25 '23 AM 9:58

*Re: Celebrating and Honoring Día de los niños/El Día de los Libros  
(Children's Day/Book Day)*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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BARGNESI & KOOSHOIAN

Recognizing Eileen Koteran Elibol - Newest Member of the  
KVIS

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Attachments

EILEEN KOTERAN ELIBOL

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**Legislative Proclamation Submitted**

By Legislators: Bargnesi and Kooshoian

EC LEG APR 25 '23 AM 9:5

*Re: Recognizing Eileen Koterak Elibol - Newest Member of the KVIS*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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BARGNESI

Honoring James P. Stauffiger Town of Tonawanda Police  
Chief - Citizen of the Month, April 2023

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Attachments

JAMES STAUFFIGER

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# **Legislative Proclamation Submitted**

By Legislator Bargnesi

*Re: Honoring James P. Stauffiger  
Town of Tonawanda Police Chief  
Citizen of the Month April 2023*

EC LEG APR 25 '23 AM 9:57

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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VINAL

Congratulating and Recognizing C.R. Rao - 2023 International  
Prize in Statistics Recipient

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Attachments

C.R. RAO

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**Legislative Proclamation Submitted**

By Legislator Vinal

*Re: Congratulating and Recognizing C.R. Rao  
2023 International Prize in Statistics Recipient*

EC LEG APR 25 '23 AM 9:57

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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VINAL

In Remembrance of Kara Margaret Stein

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Attachments

KARA MARGARET STEIN

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY  
BUFFALO, NY, APRIL 20, 2023

EC LEG APR 25 '23 AM 9:57

*In Remembrance of Kara Margaret Stein*

**WHEREAS**, Almighty God, in His infinite wisdom, on April 14, 2023, removed from our midst *Kara Margaret Stein*, in whose death we have lost a loving daughter, sister, coach, valued and respected teacher, prominent leader, and whose family has lost a kind and devoted member; and

**WHEREAS**, *Kara M. Stein*, was born in Amherst, New York on May 12, 1992, where she attended Amherst High School and graduated in 2010; and

**WHEREAS**, she played volleyball and softball throughout her time at Amherst and later in life became an assistant coach for the girls' varsity softball team; and

**WHEREAS**, Kara earned her Master's Degree in Math Education at Buffalo State College; and

**WHEREAS**, during her time at Buffalo State, Kara played softball where she was named Assistant Captain for 2 years while playing catcher and first base; and

**WHEREAS**, Kara began her career in education as an aide at Stanley Falk Elementary School before earning a position at St. Benedict's School as a middle school math teacher; and

**WHEREAS**, this phenomenal woman was invested in our youth inside and outside the classroom, especially in her role as a Personal Care Provider for People Inc.; and

**WHEREAS**, Kara was known as a total team player and embodied what St. Benedict's mission of academics and faith, as she was a tremendously effective and creative teacher whose advice, wisdom, guidance and mentorship inspired students; and

**WHEREAS**, her selflessness and generosity were the features of her warm personality and she had an unassuming and captivating smile that put anyone at ease; and

**WHEREAS**, Kara was special and represented the good that we all need every day in our lives; and

**WHEREAS**, some of Kara's favorites moments in life involved relaxing at the pool at her grandmother house in Amherst, listening to Beyoncé, attending country concerts and playing pickup games with her brothers Sean and Patrick; and

**WHEREAS**, as a young woman who blessed this Earth for 30 fruitful years, Kara cherished and valued her family and the countless friendships she made throughout high school, college and throughout our community; and

**WHEREAS**, Kara is survived by her mother, Mary Stein; two brothers, Sean and Patrick; grandmother, Margaret Lyons; aunts and uncles, Karen (Steve) Goodman, Melissa Eyeington, Rick (Sheila) Lyons, Jennifer Greco, Joseph (Debbie) Stein, Lori Stein and hosts of loving cousins and many friends; and

**WHEREAS**, Kara now rests peacefully alongside her father, the late Mark Stein; and

**WHEREAS**, it is the sense of this Legislative Body to honor and pay tribute to the life of *Kara Margaret Stein*, whose lifelong dedication to God, family, education, athletics and community are an inspiration to be admired, emulated and honored.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby mourn the passing *Kara Margaret Stein*, and pause in its deliberations to recognize her praiseworthy life, her love of family and for her commitment to the betterment of our community, Amherst High School, Buffalo State University, and St. Benedict's School; and be it further

**RESOLVED**, that the Erie County Legislature express its sympathy and condolences to the Stein family and to Kara's many friends and colleagues, knowing full well that she has received her eternal and glorified reward in Heaven, having heard the consoling words of the Master, "*Well done, thou good and faithful servant.*"

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**Hon. Jeanne M. Vinal**  
*Erie County Legislator, 5<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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MALCZEWSKI

Celebrating the 75th Anniversary of the East Aurora American  
Legion Post 362 Auxiliary

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Attachments

EAST AURORA AMERICAN LEGION

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

**I HEREBY CERTIFY THAT** *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Celebrating the 75<sup>th</sup> Anniversary of the  
East Aurora American Legion Post 362 Auxiliary**

**WHEREAS**, the Erie County Legislature is pleased to honor individuals in our community who enhance the quality of life for their family, friends, and neighbors through their conscientious and selfless service; and

**WHEREAS**, the American Legion Auxiliary was originally founded in 1919 to care for disabled veterans of all wars and conflicts and assist thousands of other veterans in regaining a place in civilian life by organizing women who faithfully served their country during the First World War and wanted to continue serving with the American Legion; and

**WHEREAS**, within one year, one-thousand three-hundred forty-two local units of the Women's Auxiliary to The American Legion had been formed across forty-five states; and

**WHEREAS**, on the fifteenth day of March 1948, dozens of relatives of American Legion Post 362 formed the **East Aurora American Legion Post 362 Auxiliary** to carry out the mission and service of the American Legion Auxiliary in the Village of East Aurora and Town of Aurora; and

**WHEREAS**, the **East Aurora American Legion Post 362 Auxiliary** accepts any relative of a veteran, including junior members under eighteen, and is currently comprised of a membership approaching two hundred, which meets on the third Thursday of every month; and

**WHEREAS**, the **East Aurora American Legion Post 362 Auxiliary** is essential in providing emotional and financial support to local veterans and their families through its tireless efforts and unwavering commitment to serving those who have sacrificed so much for our country.

**NOW, THEREFORE, BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to honor the **East Aurora American Legion Post 362 Auxiliary** for its 75<sup>th</sup> anniversary and recognize it for its dedication and service to veterans and their families in the East Aurora community.

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**JAMES MALCZEWSKI**  
Erie County Legislator



**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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MALCZEWSKI

Commemorating the 40th Anniversary of the East Aurora  
Vietnam Veterans Club

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**Attachments**

EA VIETNAM VETS

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STATE OF NEW YORK  
LEGISLATURE OF ERIE COUNTY  
BUFFALO, N.Y., APRIL 27, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Commemorating the 40<sup>th</sup> Anniversary of the  
East Aurora Vietnam Veterans Club**

**WHEREAS**, the Erie County Legislature is pleased to honor organizations in our community that enhance the quality of life for our families, friends, and neighbors through their conscientious and selfless service; and

**WHEREAS**, on March 29, 1973, the final American combat troops were withdrawn from Vietnam, ending America's direct intervention in the Vietnam War after the Paris Peace Accords were signed on January 27, 1973; and

**WHEREAS**, March 29, 2023, marked the fiftieth anniversary of the end of the Vietnam War; and

**WHEREAS**, the **East Aurora Vietnam Veterans Club** formed and began meeting exactly forty years ago to support local veterans and local organizations that provide support services to veterans; and

**WHEREAS**, the **East Aurora Vietnam Veterans Club** is one of the few organizations in Erie County wholly made up of Vietnam Veterans and currently boasts over forty members who meet on the first Thursday of each month; and

**WHEREAS**, the **East Aurora Vietnam Veterans Club** holds numerous fundraisers throughout the year, including dinners, raffles, and their famous Cruise Nights, in order to donate the proceeds to local veterans who may be struggling financially and to organizations such as Honor Flight, VALOR, and the Lothlorien Therapeutic Riding Center.

**NOW, THEREFORE, BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to honor the **East Aurora Vietnam Veterans Club** for its 40<sup>th</sup> anniversary and recognize the immense contribution it makes to our community through the dedicated support of local veterans and veterans' causes.

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**JAMES MALCZEWSKI**  
Erie County Legislator

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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GREENE

Celebrating National Adopt a Shelter Pet Day in Erie County  
and Recognizing Buddy's Second Chance Rescue

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Attachments

SHELTER PETS

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

*I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Celebrating National Adopt a Shelter Pet Day in Erie County and  
Recognizing Buddy's Second Chance Rescue**

**WHEREAS**, the Erie County Legislature honors individuals and organizations that go above and beyond to give back to their community and enhance the quality of life for residents; and

**WHEREAS**, April 30, 2023, is **National Adopt a Shelter Pet Day**, a day to raise awareness of local animal shelters and encourage residents to volunteer at or visit a shelter in their community; and

**WHEREAS**, animal rescues and shelters provide animals with a humane, safe, and healthy environment where they can live while they wait to be adopted into a loving home; and

**WHEREAS**, **Buddy's Second Chance Rescue** is a non-profit, foster-based rescue that was founded by Julie Starr in 2013 after she rescued Buddy from a shelter where he was scheduled to be euthanized and fostered him until he found a loving family; and

**WHEREAS**, **Buddy's Second Chance Rescue** saves dogs from various high-kill rescues across Georgia and Texas to help decrease euthanasia rates of innocent dogs; and

**WHEREAS**, since its founding, **Buddy's Second Chance Rescue** has saved over 6,000 dogs from being euthanized; and

**WHEREAS**, **Buddy's Second Chance Rescue's** motto, "Save one until there are none!" represents the ongoing dedication and determination of its roughly 150 committed volunteers to ensure that every animal finds a loving home.

**NOW, THEREFORE, BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to celebrate **National Adopt a Shelter Pet Day**, recognize **Buddy's Second Chance Rescue**, and encourage everyone to visit their local animal shelter.

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**HON. CHRISTOPHER D. GREENE**  
*Erie County Legislator -6<sup>th</sup> District*

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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TODARO

Honoring Erie 1 BOCES' Career and Technical Education on  
National Skilled Trades Day

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Attachments

BOCES

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y. APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27<sup>th</sup> day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Erie 1 BOCES' Career and Technical Education on  
National Skilled Trades Day**

**WHEREAS**, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

**WHEREAS**, it is with great honor and appreciation that we recognize the highly skilled workers that fill a multitude of trades in the healthcare, construction, manufacturing/industry, and service categories; and

**WHEREAS**, whether you are interested in being a chef or mechanic, working as a medical coder or helping others as an Emergency Medical Technician, a nursing aide, or a vet tech, a plethora of options are available; and

**WHEREAS**, National Skilled Trades Day, which falls on May 3, 2023, aims to raise awareness and help honor members of the skilled trades across America; and

**WHEREAS**, we depend on these trained professionals to fix our cars, build our homes, take our blood, and make sure our pets are healthy; and

**WHEREAS**, we acknowledge that **Erie 1 BOCES' Career and Technical Education** programs provide exciting opportunities for youth to explore their passions and potential career paths; and

**WHEREAS**, **Erie 1 BOCES' Career and Technical Education** students graduate from high school with college credits, technical experience, and industry certifications in high-skill, high-demand fields.

**NOW, THEREFORE, BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to honor and recognize **Erie 1 BOCES' Career and Technical Education** on National Skilled Trades Day.

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**LEGISLATOR FRANK TODARO**  
Erie County Legislator – 8<sup>th</sup> District

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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GREENE

Recognizing Akron Central Schools Nutrition Service Staff on  
"School Lunch Hero Day"

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Attachments

AKRON SCHOOL LUNCH HERO

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**STATE OF NEW YORK**  
**LEGISLATURE OF ERIE COUNTY**  
**BUFFALO, N.Y., APRIL 27, 2023 A.D.**

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 27th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Akron Central Schools Nutrition Service Staff  
on “School Lunch Hero Day”**

**WHEREAS**, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

**WHEREAS**, May 5th is **School Lunch Hero Day**, a time to recognize and appreciate individuals who go above and beyond to ensure that all students have access to safe and nutritious meals; and

**WHEREAS**, Akron Central School District’s Nutrition Service staff work tirelessly every day to prepare and serve nutritious meals to their students, ensuring they have the fuel they need to succeed in their academic endeavors; and

**WHEREAS**, even in the face of a global pandemic, Akron Central School District Nutrition Service staff demonstrated unwavering commitment and dedication to their role in providing meals to children by setting up a community meal distribution system to ensure the district’s students had access to healthy food; and

**WHEREAS**, the Akron Central School District’s Nutrition Service staff is made up of a team of food and nutrition professionals that are dedicated to students’ health, well-being, and their ability to learn by promoting healthy habits for lifelong nutrition and fitness practices; and

**WHEREAS**, the Akron Central School District’s Nutrition Service staff are an integral part of the school community, creating a welcoming and nurturing environment for everyone.

**NOW, THEREFORE, BE IT RESOLVED**, the Erie County Legislature pauses in its deliberations to honor the Akron Central School District’s Nutrition Service staff on “School Lunch Hero Day” for their unwavering commitment and dedication to providing nutritious meals to our students and fostering a positive food environment.

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**HON. CHRISTOPHER D. GREENE**  
*Erie County Legislator – 6<sup>th</sup> District*



Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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LL INTRO. 1-1 (2022)	TODARO, GREENE, LORIGO & MILLS	A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult
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Attachments

LL INTRO. 1-1 (2022)

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LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE  
LOCAL LAW INTRO. – NO. 1-1 - 2022  
LOCAL LAW – NO. \_\_\_\_\_ - 2022

**A Local Law authorizing twelve (12) and thirteen (13) year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult**

**SECTION 1. Legislative Intent**

Historically, twelve (12) and thirteen (13) year old residents of New York State have only been able to hunt deer, with a bow or small game with appropriate firearms. This rule has left New York as the only state to prohibit twelve (12) and thirteen (13) year old hunters from using firearms to hunt deer.

The 2021 New York State Budget included legislation allowing residents aged twelve (12) and thirteen (13) to hunt deer with a firearm or crossbow under the supervision of an experienced adult hunter, provided the county in which they are hunting has opted into the program pursuant to Environmental Conservation Law 11-0935.

Environmental Conservation Law (ENV) 11-0935 provides a pilot program for counties to allow young residents, aged twelve (12) and thirteen (13) years old, the opportunity to safely learn to hunt deer with firearms under adult supervision. It is the intent of this law to permit twelve (12) and thirteen (13) year old residents to hunt deer with firearms and crossbows, by opting into New York's existing pilot program pursuant to Environmental Conservation Law 11-0935. It does not expand youth access to firearms it simply increases the opportunity to hunt bigger game.

Erie County is passing this local law as hunting is a valued tradition for many families. This new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

A 2021 version of this law was passed by this honorable body and vetoed by County Executive Poloncarz. Executive Poloncarz cited the “many unfortunate firearm hunting accidents across the state and county, especially those involving youth hunters<sup>1</sup>” as the reason for the law’s veto. The first year of the pilot program has ended and the Department of Environmental Conservation has

<sup>1</sup> Spectrum New 1, Poloncarz Vetoes Law Lowering Legal Hunting Age, <https://spectrumlocalnews.com/nys/buffalo/politics/2021/10/07/vote-to-override-poloncarz-veto-on-hunting-age-law-falls-short>, last accessed 3/29/2022.

issued a report on hunting incidents across New York State, which is attached. According to the report, only two eligible counties failed to enter into the pilot program in 2021, Erie County and Rockland County. In the remaining 54 counties 9,859 youths aged 12-13 participated in the youth hunting program. Those 9,859 12 and 13-year-old children harvested 1,564 deer across New York State. There were zero recorded shooting incidents, hunting violations, or license revocations.

## **SECTION 2. Pilot Program Authorization**

Pursuant to Environmental Conservation Law, ECL 11-0935, Erie County elects to participate in the temporary program allowing young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

## **SECTION 3. State Requirements to Adhere Once Authorized**

Per New York State requirements twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, aged 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where, and during the hunting season in which, such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, aged 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, aged twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old hunters with a firearm or crossbow.

#### **SECTION 4. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

#### **SECTION 5. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Sponsors** Legislator Todaro, Legislator Greene, Legislator Lorigo, Legislator Mills



Department of  
Environmental  
Conservation

# Deer Hunting by 12- and 13- Year-Old Hunters

A Report to the New York State Senate and Assembly

February 22, 2022



*Ava Woolston, age 12, with the deer she took in Orleans County during the 2021 Youth Big Game Hunt, mentored by her father, Ryan Woolston.*

[www.dec.ny.gov](http://www.dec.ny.gov)

# Deer Hunting by 12- and 13-Year-Old Hunters

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- Prepared by -

Jeremy Hurst, NYSDEC Big Game Unit Leader

The 2021 New York State Budget included legislation that adopted a new section of the Environmental Conservation Law (11-0935) authorizing a license holder who is twelve or thirteen years of age to hunt deer with a crossbow, rifle, shotgun, or muzzleloading firearm under the supervision of an experienced adult hunter in eligible areas. The legislation established this new opportunity as a pilot program through 2023 and required counties to adopt a local law authorizing participation and notify the department of such participation.

DEC is pleased to provide the following report to the legislature which highlights the success of the inaugural program and fulfills the requirement of Environmental Conservation Law 11-0935(3) which states, *"The department shall prepare a report by February first of each year including the following information at a minimum: number of violations; hunting related incidents and revocations pursuant to section 11-0719; the number of counties participating; the number of minors participating; and the number of deer taken."*

## Preliminary Results from the 2021-22 Deer Hunting Seasons

*Participation of 12- and 13-year-old deer hunters*

# Licensed 12- and 13-year-old hunters <sup>1</sup>		9,859
Estimated Participation:	Regular Firearms Deer Season	85%
	Youth Big Game Hunt over Columbus Day Weekend	62%
	General Muzzleloader Deer Season	21%
	Holiday Hunt portion of the Late Muzzleloader Season	26%
	Bowhunting Season	31%
	With a Crossbow During any Season	18%
Deer Harvest Reports submitted by 12- and 13-year-old hunters <sup>2</sup>		1,564

<sup>1</sup> License holders who were 12- or 13-years-old at any time during the 2021 hunting seasons when 12- and 13-year-old hunters could use a firearm or crossbow (September 12, 2021 through January 1, 2022).

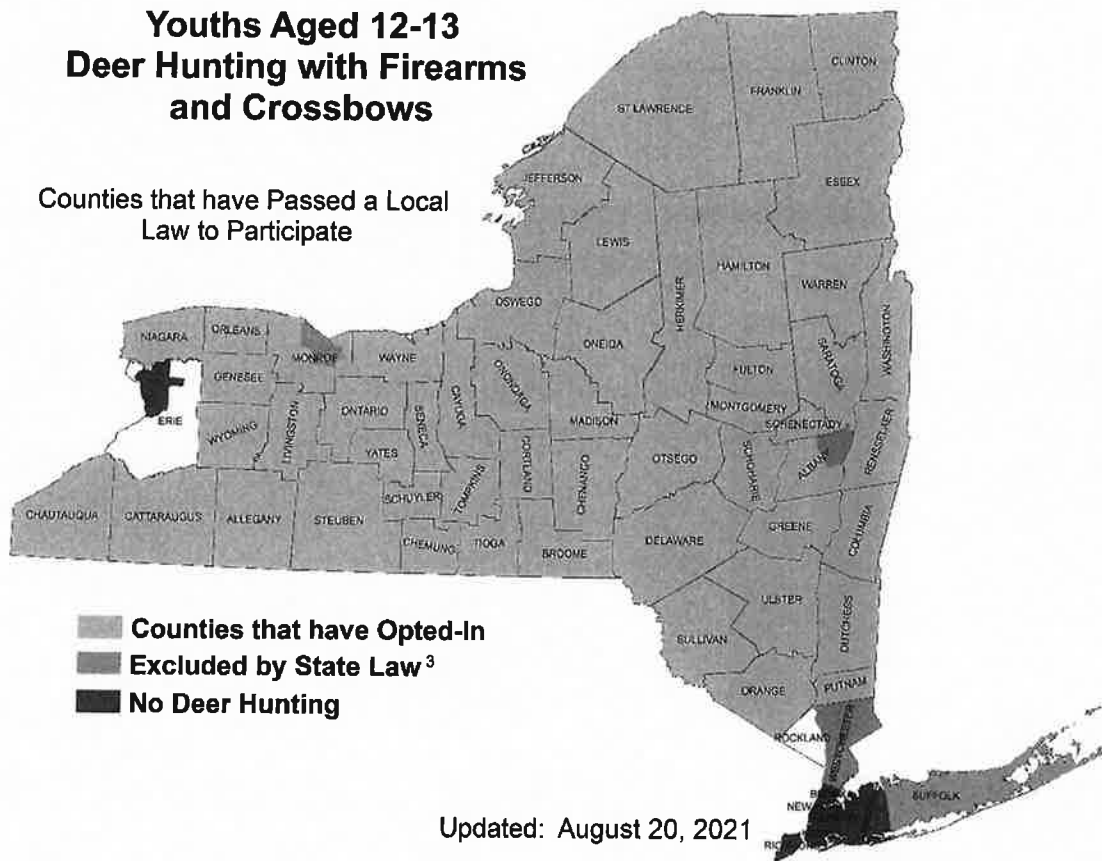
<sup>2</sup> Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until January 31.

*Safety and Compliance of 12- and 13-year-old deer hunters*

Hunting related shooting incidents	0
Hunting violations	0
Hunting license revocations	0

*County Participation*

ECL 11-0935(2) defines eligible areas as: “a county that has passed a local law authorizing participation in the pilot program and has notified the department of such participation, however, that the following counties: Westchester; Richmond; Bronx; New York; Kings; Queens; Nassau; and Suffolk shall not be deemed to be eligible.” Thus, 54 of the 62 New York State counties were eligible to participate in the pilot program. Of the 54 eligible counties, only Erie and Rockland county did not pass a local law to allow 12- and 13-year-olds to hunt deer with a firearm or crossbow.



<sup>3</sup> Portions of Albany and Monroe counties were excluded by state laws (ECL 11-0907(5)(a) and 11-0907(7)(b)) that restrict deer hunting in those areas to use of longbows only.

*"Best thing NYS has done for youths in NYS. Great to have the kids enjoying the outdoors."*

*"Had a great time teaching and enjoying the extra time with son. Thanks again."*

*"I got to spend time with my grandfather and although we did not score a deer just being in our woods was fun."*

*"It's a great way to get the young generation to hunt."*

*"Love the early opportunity with my father. Great bonding experience."*

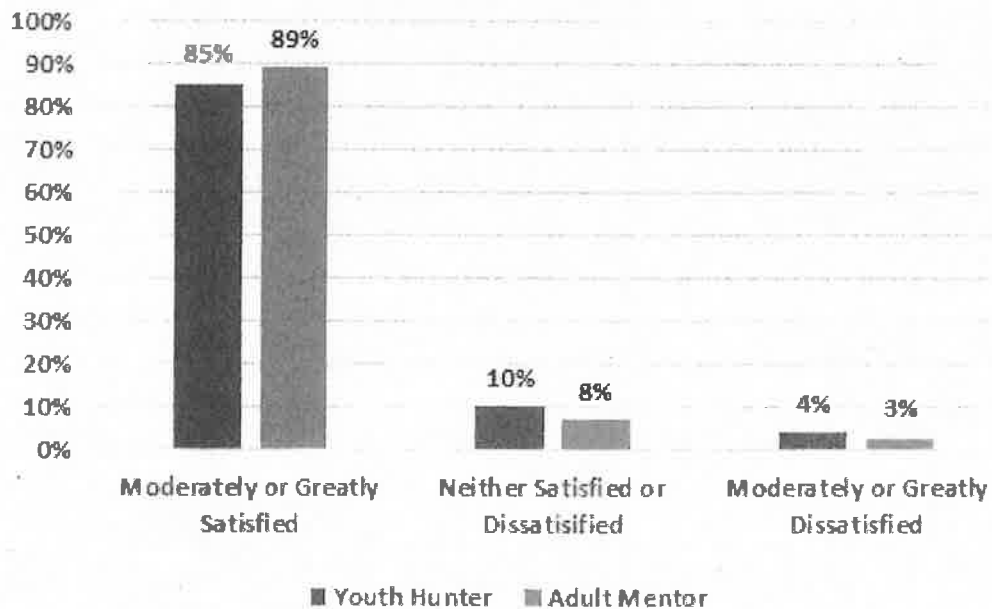
*"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."*

*"This was a great opportunity. Thank you for allowing this and promoting younger hunters."*



Holland B. from Ontario County got her first doe and buck in 2021. "What an amazing year!"

### How Satisfied were you with your Youth Big Game Hunting experiences?





## Recommendations

As evidenced in this report, it is clear that 12- and 13-year-old hunters can safely and successfully hunt deer with a firearm or crossbow and should be authorized to retain this important opportunity. In order to continue to cultivate the next generation of safe and responsible hunters and capitalize on the success of this program, DEC provides the following recommendations to expand youth hunting opportunities in New York:

- 1- **Make permanent the authorization for 12- and 13-year-old hunters to hunt deer with a firearm and crossbow.** We assessed participation and harvest by junior big game hunters through a post-season survey and asked about their level of satisfaction with their big game hunting opportunities in 2021. More than 9,800 young hunters (aged 12 and 13), representing approximately 9,500 families were eligible to hunt deer with a firearm or crossbow in 2021. These hunters were safe and successful, and satisfaction levels were extremely high. 85% of these young hunters and 89% of their adult mentors reported being moderately or greatly satisfied with their youth big game hunting experience this past year. Existing state law permanently allows hunters aged 12 and 13 to hunt small game with a firearm or long bow and big game with a long bow, when properly supervised. Establishing the same permanent provisions for 12- and 13-year-old hunters to hunt big game with a firearm will ensure that 12-year-olds can continue to hunt big game when they are 13 and that younger siblings have the same opportunity when they turn 12.
- 2- **Allow 12- and 13-year-old hunters to also hunt black bear with a firearm and crossbow.** Youths aged 12 and 13 have been legally able to hunt black bears with a longbow in New York since 2011 and have done so without incident. Hunting black bear with a longbow is unquestionably more challenging than hunting black bear with a firearm. Nonetheless, 12- and 13-year-old hunters have routinely demonstrated that they can safely and successfully harvest a black bear with a longbow. These same hunters, and all 12- and 13-year-old hunters, should be given the opportunity to also hunt black bear with firearms and crossbows.
- 3- **Extend the authorization for 12- and 13-year-old hunters to hunt deer with a firearm or crossbow to all of New York State (subject to other provisions of ECL) and remove the requirement for counties to pass a local law opting-in.** Of all the eligible counties in New York, only Erie and Rockland Counties did not pass a local law authorizing participation in the pilot program as required by 11-0935. However, in both of these counties, hunters aged 14-years or older can hunt deer and bear with firearms and crossbows. Similarly, Westchester and Suffolk Counties were specifically excluded from the provisions of 11-0935 despite an existing firearms season for deer in January in Suffolk County and provisions in 11-0903(7) authorizing the same potential opportunity in Westchester County. Young hunters in Erie, Rockland, Suffolk, and Westchester counties should not be forced to hunt elsewhere and should be given opportunity to hunt in the same locations and in the same manner as their peers, older siblings, and other family members.

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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LL INTRO. 3-1 (2022)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act
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Attachments

LL INTRO. 3-1 (2022)

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## COUNTY OF ERIE

LOCAL LAW INTRO. NO. 3-1 -2022

LOCAL LAW NO. \_\_\_\_\_-2022

**THE ERIE COUNTY LANGUAGE ACCESS ACT**

A Local Law mandating the development of County Agency-specific language access plans, practices and training in the County of Erie.

Be it enacted by the Legislature of the County of Erie as follows:

**Section 1. Legislative Intent and Findings**

The County recognizes that a large percentage of its inhabitants speak languages other than English and that the well-being and safety of the County as a whole is put in jeopardy if the people of the County are unable to access County services or effectively communicate with County agencies.

This Legislature also finds and determines that language can be a substantial barrier for residents seeking to access government information, programs and services. This Legislature finds that Title VI of the Civil Rights Act of 1964 prohibits agencies receiving federal funds from discriminating against persons on the basis of race, color or national origin. This Legislature determines that Presidential Executive Order 13166 (August 11, 2000) requires federally funded agencies to act to ensure that individuals with limited English proficiency have access to programs and services.

This Legislature concludes that it is in the best interest of all County residents to ensure and improve language access to County programs and services.

**Section 2. Definitions**

As used in this law, the following terms shall have the meanings indicated:

*County Agency:* Any agency, department, division or office of Erie County government which provides programs and/or services to the public or programs and/or services made available to individuals in the custody of the Erie County Sheriff.

*Designated Countywide Languages:* The top six limited English proficiency languages spoken by the population of Erie County as determined by the Language Access Advisory Board.

*Direct Public Services:* Services administered by a County Agency directly to program beneficiaries and/or participants, including any services administered by an agency directly to individuals in the custody of the Erie County Sheriff.

*Interpretation:* An oral (spoken) or signed communication of a message from one language to another, in real time by a qualified human interpreter competent in both languages, keeping in mind cultural context, without adding, omitting, or changing the message's original meaning.

*Limited English Proficiency:* Persons for whom English is not their primary language and have difficulty communicating effectively in English.

*Translation:* The written rendition of a text in one language to a written text in another language, completed by a human translator competent in both languages.

*Vital Documents:* Those documents most commonly distributed to the public and individuals in County correctional facilities that contain or elicit important and necessary information regarding the provision of Direct Public Services.

### **Section 3. Language Access Requirements**

Every County Agency shall provide language access services for direct public services it administers. Such language access services may include, but not be limited to:

1. Providing competent and timely interpretation services to individuals in their primary or preferred language. Competent interpretation shall mean a spoken or signed, real-time communication in which the qualified human interpreter is fluent in both the source and target language and is trained as an interpreter. The interpreter shall know relevant terminology and provide accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and capture, to the greatest extent possible, all nuances intended in the source material;
2. Identifying and translating vital documents provided to the public, including but not limited to, forms and instructions provided to or completed by program participants and beneficiaries in each designated countywide language;
  - a. Existing vital documents must be translated within 365 days of the effective date of this law.
  - b. New vital documents, produced after the effective date, must be translated as soon as is practicable but no later than 120 days after the English version is released to the public, except for emergency communications which must be translated immediately, or at most up to 5 days following the release of the English version.
3. Translation of pre-recorded informational messages on agency phone lines that provide vital public information in English, including emergency alerts and public service announcements;

4. Translated copies of vital documents which are already made available to the public in English must be made available to the public in the same way as the current English version. Translated vital documents must be published alongside any English documents that may be available online through the County website;
5. Online applications or machine interpretation or translation software shall not be used;
6. Family members, other clients, and any other member of the public who is not a qualified interpreter, shall not be used for interpretation with respect to the provision of services or benefits;
7. Posting of multilingual signage in conspicuous locations about the availability of free interpretation services. Where practicable, the same information should be communicated via pre-recorded announcements in each designated countywide language on the public address system in public waiting areas;
8. Accommodations for communication access shall be available upon request including American Sign Language Interpretation via an on-site interpreter, Video Remote Interpreter (VRI), or Communication Access Realtime Translation for individuals who are deaf, hard of hearing or have hearing loss.
9. All language access services must be provided at no cost to the person seeking services from the Department.

#### **Section 4. Language Access Plans**

Every County Agency, in consultation with the Language Access Advisory Board, shall develop and implement an agency-specific language access implementation plan to describe how language access services will be provided and to ensure meaningful equal access to direct public services. County agencies with existing language access plans shall review such plans, in consultation with the Advisory Board, to ensure compliance with the provisions of this act.

A final copy of each county agency language access plan shall be submitted to the County Legislature and the Advisory Board and shall be published on the agency's website no later than 180 days after the effective date of this act. Agency plans must be implemented within 90 days following submission of the final plan.

Each County Agency shall update its language access implementation plan biennially, based on changes in the agency's service population or services and in conjunction with the designated language access coordinator and the Advisory Board, and publish such updated plan on its website.

Each language access plan shall set forth, at a minimum, the following:

1. Designate a language access coordinator to oversee the creation and execution of an agency language access implementation plan, collect language data, and issue an annual report. The name, title and contact information of such language access coordinator is to be posted in a conspicuous place on such agency's website;
2. Describe how such agency will provide the language access service required by Section 3, including the titles of all available translated documents and the languages into which they have been translated and the number of fully bilingual employees in public contact positions and the languages they speak;
3. Incorporate a uniform training plan for agency employees, including annual training on the language access policies and the provision of language assistance services as well as providing a procedure that allows employees to report issues and problems implementing the language access plan;
4. Incorporate a process for tracking and reporting agency language access data including the number and type of requests for language access services, what languages service requests are for, how each request was fulfilled, the number of complaints received by the agency regarding language access, and how complaints were resolved.
5. Determine the methods such agencies will employ with regard to providing language access services, both through agency staffing and contracts with third parties. Whenever possible, County Agencies should prioritize hiring local interpreters.
6. Consider the following factors in developing such implementation plan:
  - a. the number or proportion of LEP persons in the eligible service population;
  - b. the frequency with which LEP individuals come into contact with the agency, if such data exists. If no relevant data has been collected, such agency must exclude this factor from consideration;
  - c. the importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation or translation); and
  - d. the resources available to the agency and the costs of providing various types of language services
7. When a member of the public states they are deaf, hard of hearing, or have hearing loss, the County Agency's designated language access coordinator shall submit notice and keep record of notice made to The Erie County Office for People with Disabilities on behalf of the member of the public in need of language access services. The Office for People with Disabilities will support the members of the public with communication services.

## **Section 5. Amending Article 17 of the Erie County Charter**

Erie County Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended at Article 17 to add a new Section 1708 to read as follows:

Section 1708. Language Access Advisory Board. There shall be a Language Access Advisory Board to advise on matters relating to LEP individuals and language access. The Board shall consist of seven members including:

1. County Executive, or their designee;
2. County Clerk, or their designee;
3. Sheriff, or their designee; and
4. Four community members to be appointed by the County Executive. All four community member appointments will be subject to confirmation by the County Legislature.

Membership on the board shall be reflective of the diversity of the county's population and members shall be representatives from community organizations and faith-based organizations serving LEP and deaf, hard of hearing and hearing loss communities in Erie County. Members of the Board shall be appointed for a term of three years. No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each. The Board shall annually designate one member to serve as Board chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the Board shall appoint a successor to that office from the Board's membership.

The Advisory Board shall be empaneled within ninety days following the effective date of this act. A quorum shall consist of a majority of the members of the Advisory Board entitled to vote on the matter under consideration. Approval of any matter shall require the affirmative vote of a majority of the members voting thereon. The Advisory Board shall adopt by-laws for the management and regulation of its affairs.

The Board shall:

1. Designate the top six languages LEP individuals speak in Erie County as the Countywide Languages. This process will take place every two years and will consider a wide variety of data sources, including but not limited to data collected by the U.S Census and American Community Survey, public schools, local interpreting agencies, federal refugee resettlement programs and County Agencies to determine which language groups are most in need of language services.
2. Advise County Agencies in developing and implementing their Language Access Plan.
3. Review Agency Language Access Plans and evaluate the implementation of those plans.
4. Create a mechanism to interact with public regarding proper language access plan implementation.

5. Review annual reports from County Agency language access coordinators and create a comprehensive annual report filed with the Legislature. Annual reports and recommendations will be made publicly available online through the County website.
6. Put forward additional policy recommendations as needed to improve language access services.

### **Section 6. Right to Privacy**

The need for/use of language services by an individual contacting the County shall not be deemed by any County employee as a basis for inquiring into information related to an individual's immigration status or other personal attributes. No County employee shall inquire about or disclose confidential information, including, but not limited to, immigration status, unless such inquiry or disclosure is required by law.

### **Section 7. Effective Date**

This Local Law shall take effect 180 days after it becomes law.

### **Section 8. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

### **Sponsors:**

April N.M. Baskin  
Timothy Meyers  
Howard Johnson  
Jeanne Vinal  
John Gilmour



Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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LL INTRO. 3-1 (2023)	JOHNSON	The Occupancy Tax Modernization Act
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Attachments

LL INTRO. 3-1 (2023)

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**COUNTY OF ERIE**

**LOCAL LAW INTRO NO. 3-1-2023**

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**LOCAL LAW NO. \_\_\_\_-2023**

A LOCAL LAW Titled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

**Section 1. Legislative Intent.**

- a. The Erie County occupancy tax was established via local law by the Erie County Legislature in September 1974 and was amended via local law in 1975, 1983, 1987, and 2007. There has not been a comprehensive review of the various local laws governing the occupancy tax nor an effort to modernize and update the law in decades.
- b. The Erie County Legislature (“Legislature”) hereby finds and declares that short-term and vacation rental properties are in widespread use in Erie County, whether via hosting platforms such as Airbnb, VRBO, Homestay, or by other means.
- c. Unlike other counties in New York State that maintain occupancy tax collection agreements with hosting or “home-sharing” platforms such as Airbnb, Erie County does not have any such agreements with such platforms and/or operators that provide short term and vacation rental properties.
- d. The Legislature finds that there are unjustified variances and inconsistencies with this state of affairs, as hotels are required to collect taxes from guests pursuant to the County of Erie’s hotel occupancy tax law, but operators and platforms for short term and vacation rentals have not been collecting such tax, are not readily subject to any health and safety regulations, and are not registered with the County, despite offering identical or substantially similar services.
- e. The Legislature finds that the law should apply equally to all individuals and entities engaged in the rental of temporary accommodations, and that the current state of affairs has resulted in an unequal “playing field” for traditional hotels and motels compared to other types of short term and vacation rental properties. The Legislature further finds that this discrepancy also results in a loss of occupancy tax revenue to Erie County and its taxpayers.
- f. The Legislature finds that, pursuant to Chapter 614 of the Laws of 1974 of the State of New York, operators of these transient lodging facilities should be subject to the same occupancy taxes as their counterparts in the traditional lodging industry to help ensure fairness across the lodging sector in Erie County.

- g. The Erie County Legislature hereby finds that there is a need to bring the definition and administration of occupancy tax into the 21<sup>st</sup> Century by updating the various functions of the tax to meet the demands of the modern short-term rental industry within the parameters of the taxing authority delegated by the State of New York.
- h. The Legislature hereby intends this that this Local Law will perform the following functions and beneficial purposes:
  - 1. Clarify the reach of the tax to include non-traditional short-term and vacation rentals within Erie County;
  - 2. Require all operators of properties used for short-term and vacation rentals to register with the County for the collection of the tax;
  - 3. Bring all manner of short-term rental properties above ground to better ensure the safety of occupants and quality of life for the broader community;
  - 4. Modernize and enhance enforcement capabilities of the County to pursue scofflaws who fail to collect and remit the tax or misappropriate the same;
  - 5. Allow hosting platforms that have executed voluntary collection agreements with the County to collect and remit the tax on the operator's behalf;
  - 6. Establish the methodology used to determine taxable rent for all properties used for transient lodging. Accordingly, collection and remittance of the tax for short-term and vacation rentals will be principally placed on the corporate hosting platform through a voluntary collection agreement and secondarily placed on individual operators opting not to enter into any such agreement; and
  - 7. Reinvest in the continued development of the tourism to maintain and enhance infrastructure, create economic opportunity for residents, and increase the recreational appeal of Erie County.
- i. Therefore, except for the limited purposes provided by Section 25 of this Local Law, Erie County Local Law No. 12-1974, Erie County Local Law No. 8-1975, Erie County Local Law No. 5-1983, Erie County Local Law No. 1-1987, and Erie County Local Law No. 4-2007 are hereby repealed in their entirety and replaced with this Local Law.

**Section 2. Definitions.**

- a. Charter. The Charter of Erie County as established by Local Law 1-1959 and amended thereafter.
- b. Clerk. The elected Clerk of Erie County.
- c. Comptroller. The elected Comptroller of Erie County.

- d. Exempt Entity. A government, corporation, or association exempt from taxation under Section 4 of this local law.
- e. Hosting Platform. An application, technology, and/or similarly based service through which a third party desiring to offer an accommodation (a “host”) and a third party desiring to book an accommodation (a “guest”) have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting platform is not a party but still facilitates payments for rent on behalf of or for the host, and/or otherwise acts as intermediary between the host and the guest. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting platform.
- f. Operator. Any person or entity operating premises where short-term rental occupancy transactions are conducted in Erie County, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such premises.
- g. Occupancy. The use or possession, or the right to the use or possession of any room in a premises that is the subject of short-term rental occupancy transactions.
- h. Permanent Resident. A person occupying any room or rooms in a premises that is the subject of a short-term rental occupancy transaction for at least thirty consecutive days.
- i. Person. An individual, partnership, society, association, joint stock company, corporation, limited liability company, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- j. Rent. The consideration received for occupancy valued in money, whether received in monetary form or otherwise.
- k. Room. Any room or rooms of any kind in any part or portion of a premises that is the subject of a short-term rental occupancy transaction, which is available for or let out for any purpose other than a place of assembly.
- l. Return. Any return filed or required to be filed as herein provided.
- m. Sheriff. The elected Sheriff of Erie County.
- n. Short-Term Rental. A building or portion of it which is regularly used and kept open as such for lodging on an overnight basis. The term ‘short-term rental’ includes a hotel, motel, hostel, apartment hotel, motor court or inn, boardinghouse or club, campground with cabins, home-sharing property or vacation rental, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served, and

shall include those facilities commonly known as ‘bed-and-breakfast’ and ‘tourist’ facilities. “Short-term” and “vacation rentals” shall mean and include those units rented or leased to occupants – other than permanent residents – that are furnished apartments or living units in or consisting of a dwelling place ordinarily occupied for residential purposes or location that is otherwise made available for sleeping accommodations, directly by the owner or through an owner’s agent or hosting platform.

### **Section 3. Imposition of Tax.**

- a. Except as otherwise provided by this Section, on and after the first day of June, 2023, there is hereby imposed and there shall be paid a tax of three percent upon the rent for every occupancy of a room or rooms in the County.
- b. For all short-term rental transactions where rental capacity of the premises exceeds thirty (30) rooms, the rate of tax on occupancy shall be five percent.
- c. If the charge for occupancy of a room includes only the cost of the room, board, and cleaning fees, any other charges that are separately stated and are only incurred at the option of the occupant and/or charged by a hosting platform shall not be included in the calculation of the occupancy tax imposed by this Local Law.
- d. If the operator does not separate the charge for room and board from other charges, excluding cleaning fees but including those added by a hosting platform, the entire charge to the occupant is taxable until the occupant becomes a permanent resident as defined by this Local Law.
- e. No tax shall be imposed upon a permanent resident as defined by this Local Law.

### **Section 4. Exempt Organizations**

- a. Except as otherwise provided in this Local Law, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.
  - (1) The State of New York, or any of its agencies, instrumentalities, public corporations (including public corporations created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the State;
  - (2) The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;
  - (3) The United Nations or other world-wide international organizations of which the United States is a member; and
  - (4) Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which

inures to the benefit of any private shareholder or individual and no part of the activities of which is carrying out propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

- b. Where any organization described in paragraph three (3) of subdivision (a) of this Section conducts its activities in furtherance of the purposes for which it was organized, and, as part of said activities, it engages in short-term rental transactions on the premises in which such not-for-profit activities are conducted, occupancy of rooms in the premises and rent therefrom received by such corporation or association shall not be subject to tax hereunder.

#### **Section 5. Territorial Limitations**

The tax imposed by this local law shall apply only within the territorial limits of the County of Erie.

#### **Section 6. Registration**

- a. Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every owner and/or operator shall file with the Comptroller a Certification of Registration in a form prescribed by the Comptroller.
- b. The Comptroller shall, within five business days after such registration issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional short-term rental of such operator. Each certificate or duplicate shall be certified, bear the seal of Erie County, and state the short-term rental to which it is applicable. Such Certificate of Authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy.
- c. Where a host or operator uses a hosting platform that has executed a voluntary collection agreement with the County, such host or operator shall submit an application for a Certificate of Authority clearly stating all information required under applicable law but may otherwise designate such hosting platform as primarily and solely liable for collection and remittance of the tax.
- d. If a Certificate of Authority is lost, stolen, or otherwise misplaced by an operator, such operator may apply, in a form prescribed by the Comptroller, for a replacement Certificate of Authority. Replacements shall be certified and issued to the operator at a cost of \$50.00.

- e. Failure to register a short-term rental with the Comptroller as required by this Section shall result in the imposition of a penalty amounting to one hundred dollars per day of non-registration. The Comptroller may, upon a showing of good cause by an owner or operator, waive up to 75% of the total amount of penalties incurred under this Subsection.
- f. Such certificates shall be non-assignable and non-transferrable and shall be surrendered immediately to the Comptroller upon:
  - (1) the cessation of business at the short-term rental;
  - (2) the sale, lease, assignment, or other transfer to another host or operator; or
  - (3) the designated hosting platform service named as designee on the certificate provided by this Section is sold, renamed, or otherwise transferred.

For the purposes of this Subsection, a change in ownership of the owner, hosting platform, operator, or the parent company of the same greater than or equal to 50% shall be considered a transfer.

- g. Violation of Subsection (e) of this Section shall immediately void any Certificate of Authority previously issued, in addition to any additional penalties otherwise imposed by this Local Law.

#### **Section 7. Administration and Collection**

- a. The tax imposed by this local law shall be administered and collected by the Comptroller of the County of Erie or the Comptroller's designee by such means and in such manner as are other taxes which are now collected and administered by such officers in accordance with the Charter or as otherwise are provided by this Local Law.
- b. The tax to be collected pursuant to this Local Law shall be stated, charged, and shown separately from the rent. At the time when the occupancy is arranged, contracted for or charged for, and upon any and all evidence of occupancy, any charge made shall be paid by the occupant to the operator as trustee for and on behalf of the County.
- c. The operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant. In respect to non-payment of the tax by the occupant payable at the time such tax shall become due and owing, the operator retains all applicable rights including, but not limited to, rights of eviction, repossession, and enforcement of any innkeeper's lien that the operator may have in the event of non-payment of rent by the occupant. An operator shall join the Comptroller as a party in any action or proceeding brought by the operator against an occupant under this Local Law.

- d. The tax imposed by this Local Law shall be paid upon any occupancy on and after the effective date of this Local Law except for any such occupancy reserved pursuant to a contract, lease or other arrangement made prior to such date. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Comptroller may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided by this Local Law.
- e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, the following presumptions and burdens shall apply:
  - 1. It shall be presumed that all rents are subject to tax until the contrary is established.
  - 2. The burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant.
  - 3. Where an occupant claims exemptions from the tax under the provisions of Section 4 of this Local Law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the Comptroller certifying that the named entity is exempt from taxation under Section 4 of this Local Law, together with a writing duly executed by the exempt entity named in the certificate issued by the Comptroller certifying that the occupant is its agent, representative or employee and that the occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said exempt entity.
- f. A hosting platform may enter into a voluntary collection agreement with the County containing and specifying the following:
  - 1. The hosting platform shall be solely responsible and liable for collecting and remitting the applicable tax to the County for booking transactions completed through the respective hosting platform for short-term rentals as defined by Subsection 2(1) of this local law.
  - 2. The host or operator of the short-term rental who is not the hosting platform shall not be responsible for collecting and remitting the tax to the County on any transaction for which it has received confirmation that the hosting platform has collected the aforementioned tax and remitted it back to the County pursuant to a voluntary collection agreement.
  - 3. Neither the County, its officers, agents, and employees, or a hosting platform, its officers, agents, and employees, shall be required or made to furnish a copy or any portion of a voluntary collection agreement entered into between the County and a hosting platform. The hosting platform shall furnish to any operator using the hosting platform, a certificate, in a form to be determined by the Comptroller, confirming the existence and enforceability of such agreement.



- g. Where an operator of a short-term rental uses a hosting platform that has voluntarily entered into and executed a voluntary collection agreement with the County pursuant to Subsection 7(f) of this Local Law, such hosting platform, for the purposes of tax registration, collection, and remittance under this Local Law, shall only be liable for transactions completed through the respective hosting platform pursuant to the terms of such agreement.
- h. If the operator of a short-term rental uses a hosting platform that has not entered into and executed an agreement with the County pursuant to Subsection 7(f) of this Local Law, such operator shall be liable for the collection and remittance of the tax.

#### **Section 8. Records.**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Comptroller may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Comptroller or the Comptroller's duly authorized agent or employee and shall be preserved for a period of five years.

#### **Section 9. Returns.**

- a. Every operator or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform, shall file with the Comptroller a return of occupancy and of rents, and of the taxes payable thereon for quarterly periods ending the last day of February, May, August, and November of each year, on and after the effective date of this Local Law subject to the limitations prescribed by Section 7(d) of this Local Law.
- b. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The Comptroller may permit or require returns to be made by other periods and upon such dates as the Comptroller or his duly authorized designee may specify. If the Comptroller deems it necessary in order to ensure the payment of the tax imposed by this Local Law, the Comptroller may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this Section and upon such dates as the Comptroller may specify.
- c. Where a hosting platform has entered into a voluntary collection agreement with the County pursuant to Section 7(f) of this Local Law, the mechanism for increasing the number of return dates per calendar year must be included in such voluntary collection agreement.
- d. The form of returns shall be prescribed by the Comptroller and shall contain such information as the Comptroller may deem necessary for the proper administration of this Local Law. The Comptroller may require amended returns to be filed. Such returns shall be delivered not later than twenty days following notice of the operator or hosting platform by the Comptroller and shall contain the information specified in the notice.

- e. If the return required by this Section is not filed, or if a return as filed is incorrect or facially insufficient, the Comptroller shall take all necessary steps to enforce the filing of such return or a corrected return. The Comptroller shall not waive tax liability or suspend collection of tax imposed by this Local Law.

**Section 10. Payment of Tax.**

- a. At the time of the filing a return of occupancy and of rents, each operator, or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform shall pay to the Comptroller the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator or hosting platform acting or purporting to act under the provisions of this Local Law.
- b. Where the Comptroller, as a matter of discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Comptroller may require any operator or hosting platform required to collect the tax imposed by this Local Law to file a bond with the Office of Comptroller, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to the solvency and responsibility, in such amount as the Comptroller may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator or hosting platform.
- c. In the event that the Comptroller determines that an operator or hosting platform is to file such bond, the Comptroller shall give notice to such operator or hosting platform to that effect. The Comptroller shall specify the amount of the bond required in writing and send it to such operator or hosting platform by certified mail at the address provided by such operator or hosting platform. Evidence of such mailing shall create a presumption that such operator or hosting platform has been notified.
- d. Where an operator or hosting platform has been notified by the Comptroller that a bond shall be required pursuant to this Section, such operator or hosting platform shall file such bond within ten business days.
- e. An operator or hosting platform may, within ten business days, request in writing a hearing before the Comptroller or the Comptroller's designee at which the necessity, propriety, and amount of the bond shall be determined by the Comptroller, notice of which shall be sent by certified mail to the address provided by such operator or hosting platform. Such determination shall be final and shall be complied with within ten business days after the Comptroller notifies such operator or hosting platform.
- f. In lieu of the bond described in Subsection 10(b) of this Local Law, securities approved by the Comptroller or cash in such amount as the Comptroller may prescribe may be deposited. Such deposit shall be kept in the custody of the Comptroller who may at any time and without notice to the depositor, apply such deposit to any tax, interest, and/or

penalties due. For that purpose, any securities may be sold by the Comptroller at public or private sale without notice to the depositor.

**Section 11. Determination of Tax.**

- a. If a return required by this Local Law is not filed, or if a return when filed is incorrect or facially insufficient, the amount of the tax due shall be determined by the Comptroller from such information as may be obtainable.
- b. If necessary, the tax may be estimated on the basis of external indices, including but not limited to, the number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and publicly reported earnings.
- c. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days following receipt of notice from the Comptroller of such determination shall apply to the Comptroller for a hearing. The Comptroller may redetermine the same *sua sponte*.
- d. After such hearing, the Comptroller shall give notice of such determination to the person against whom the tax is assessed. The determination of the Comptroller shall be reviewable by the Supreme Court of Erie County for error, illegality, unconstitutionality, or abuse of discretion pursuant to Article Seventy-Eight of the Civil Practice Law and Rules.
- e. No party aggrieved by the determination of the Comptroller shall have standing to bring an action under Article 78 of the Civil Practice Law and Rules challenging the Comptroller's determination unless the amount of any tax sought to be reviewed, with any and all penalties and interest thereon, shall be first deposited with the Comptroller.
- f. In addition to the requirements of Section 11(e) of this Local Law, any party challenging the determination of the Comptroller pursuant to Article 78 of the Civil Practice Law and Rules shall first file with the Comptroller an undertaking, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to solvency and responsibility, in such amount as a Justice of the Supreme Court of Erie County shall approve to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of the proceeding.
- g. At the option of the petitioner, such undertaking filed with the Comptroller may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the application.

**Section 12. Disposition of Revenues.**

- a. All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.
- b. Within sixty days of the effective date of this Local Law, the Comptroller shall create a special fund, the sole purpose of which shall be the distribution of revenues to not-for-profit corporations and public benefit corporations dedicated to the promotion and facilitation of tourism in Erie County.
- c. Notwithstanding any provision of law to the contrary, with respect to tax imposed by this Local Law on and after January 1, 2024, all revenue resulting from such tax, including any interest and/or penalties thereon, shall be credited to and deposited in the fund created by the Comptroller pursuant to Subsection 12(b) of this Local Law.
- d. On and after January 1, 2024, all amounts deposited in the fund created pursuant to Subsection 12(b) of this Local Law shall be made available and distributed to Buffalo Niagara Convention & Visitors Bureau, Inc. pursuant to a lawfully executed agreement between Buffalo Niagara Convention & Visitors Bureau, Inc. and the County of Erie. Such agreement shall include a requirement that Buffalo Niagara Convention & Visitors Bureau, Inc. shall submit an annual report to the County Executive, County Legislature, and County Comptroller concerning the expenditure of distributions received from the County, the annual budget and business plan, and any additional information as may be required pursuant to such agreement.
- e. An agreement entered into pursuant to Subsection 12(d) of this Local Law shall be approved as to form by the County Attorney, approved by the County Legislature, for a period of three years. The County Executive shall, no later than January 1 of each year of the agreement term, execute a renewal of such agreement and shall file such renewal with the Clerk of the Legislature on or before the date of the first meeting of the Legislature for that year.
- f. In the event that Buffalo Niagara Convention & Visitors Bureau, Inc. to cease operations, lose or alter its 501(c)((6) status, or alter its purpose so that its mission and/or significant activities no longer fulfills the legislative intent of this Local Law, distributions pursuant to Subsection 12(c) of this Local Law shall immediately cease. Thereafter, all revenues received by the County pursuant to this Local Law shall be credited to and deposited in the general fund of the County until such time as an agreement is lawfully executed between the County and a qualifying entity to fulfill the legislative intent of this Local Law.
- g. All entities receiving distributions under this Section are subject to oversight by the Comptroller.

**Section 13. Refunds.**

- a. In the matter provided by this Section, the Comptroller shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Comptroller for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Comptroller, the reasons therefore shall be stated in writing. Such application may be made by the occupant, operator, or hosting platform who has actually paid the tax.
- b. Such application may be made by an operator who has collected and paid over such tax to the Comptroller provided that the application is made within one year of the payment by the occupant to the operator, but not actual refund of moneys shall be made to such operator until it shall first be established to the satisfaction of the Comptroller, under such regulations as the Comptroller may prescribe, that the occupant has been repaid in the amount for which the application was made. The Comptroller may, in lieu of any refund, allow credit therefore on payments due from the applicant.
- c. An application for a refund or credit made as provided herein shall be deemed an application for a revision of any tax, penalty, or interest complained of and the Comptroller may receive evidence with respect thereto. After making a determination, the Comptroller shall notify the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within thirty days following final notice of such determination and a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Comptroller in such amount and with such sureties as a Justice of the Supreme County of Erie County shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of such proceeding.
- d. A person or entity shall not be entitled to a revision, refund or credit under this Section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where such person or entity has had a hearing or an opportunity for a hearing, as provided by this Section, or has failed to avail himself or herself of the remedies therein provided.
- e. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Comptroller made pursuant to Section 11 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional, either by the Comptroller after a hearing pursuant to this Section, or by a Court under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of this Local Law.

#### **Section 14. Reserves.**

In cases where the occupant, operator, or hosting platform has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review an adverse determination on an application for refund pursuant to Section 13 of this Local Law, the comptroller shall set up appropriate reserves to meet any decision adverse to the County.

**Section 15. Remedies Exclusive.**

- a. The remedies provided by Section 11 and Section 13 of this Local Law shall be the exclusive remedies available to any entity for the review of tax liability imposed by this Local Law.
- b. No determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, or any other action not brought under Article 78 of the Civil Practice Law and Rules.

**Section 16. Proceedings for Recover Tax.**

- a. Whenever any operator, hosting platform or other person or entity required to collect and remit occupancy tax pursuant to this Local Law fails to collect and remit and tax, penalty or interest imposed by this Local Law, the Erie County Attorney shall, upon the request of the Comptroller bring or cause to be brought an action to enforce the payment of the same on behalf of Erie County in the Supreme Court of Erie County within sixty days of such request. Should the County Attorney fail to bring such action within sixty days of the Comptroller's request, the Comptroller may bring or cause to be brought such action on behalf of Erie County.
- b. If the Comptroller believes that any such operator, hosting platform, or any other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Comptroller may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- c. As an additional or alternate remedy, the Comptroller may issue a warrant, directed to the Sheriff commanding the Sheriff or the Sheriff's duly authorized designee, to levy upon and sell the real and personal property of the operator, hosting platform, or any person liable for the tax as described by this Local Law which may be found within Erie County for payment of the amount thereof with any penalties, interest, and the cost of executing the warrant.
- d. The Sheriff shall, within five business days following the receipt of the warrant, file a copy of such warrant with the Clerk. In the discretion of the Comptroller, a warrant of like terms, force and effect may be issued and directed to any officer or employee who shall have all the powers conferred by law upon the Sheriff under this Local Law, provided that such designee shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty.
- e. The Clerk shall, within five business days after a warrant has been filed by the Sheriff or the Comptroller's designee, enter in the judgment docket the name of the person or entity named in the warrant and the amount of the tax penalties, penalties, and interest for which the warrant is issued and the date when such copy is filed. If the Clerk fails to

enter such information onto the judgment docket within five days, the Comptroller may enter such information on his or her own accord. At such time as warrant information specified by this Subsection is entered onto the judgment docket, the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the operator, hosting platform, or persons liable for the tax pursuant to this Local Law against which the warrant is issued.

- f. The Sheriff or the Comptroller's designee shall proceed upon the warrant, in the same manner and with like effect, as provided by law in respect to executions issued against property upon judgments of a court of record.
- g. If a warrant is returned not satisfied in full, the Comptroller may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefore and execution thereon had been returned unsatisfied.

#### **Section 17. Notice Upon Sale.**

- a. Whenever an operator shall make a sale, transfer or assignment in bulk or in part or the whole of a short-term rental operation or a lease, license or other agreement or right to possess or operate such short-term rental operation, the seller, transferor or assignor shall notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof. Failure to do so shall result in a fine not to exceed ten thousand dollars imposed against the seller, transferor, assignor, and, in the case of a corporate entity, the officers, partners, members, or owners of such entity.
- b. Whenever an operator shall make a sale, transfer or assignment in bulk or in part or the whole of such operator's operation, lease, license or other agreement or right to possess or operate such short-term rental operation, otherwise than in the ordinary and regular course of business, the purchaser, transferee or assignee, shall at least ten days before taking possession of the subject of said sale, transfer or assignment or paying therefor, notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferor or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.
- c. Whenever the purchaser, transferee or assignee shall fail to give notice to the Comptroller as required by the Subsection 17(a), or whenever the Comptroller shall inform the purchaser, transferee or assignee that a possible claim for such tax exists, any sums of money, property, causes of action, or other consideration which the purchaser, transferee or assignee is required to remit to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County.

- d. The purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property, causes of action, or other consideration to the extent of the amount of the County's claim.
- e. Where a purchaser, transferee or assignee fails to comply with the provisions of this Section, the purchaser, transferee or assignee shall be liable for the payment to the County of all taxes, penalties, and interest theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor.
- f. All such liability imposed by this Section may be assessed and enforced in the same manner as the liability for the tax under this Local Law.

**Section 18. General Powers of the Comptroller.**

In addition to the powers granted to the Comptroller elsewhere in this Local Law, the Comptroller is hereby authorized and empowered:

- a. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- b. To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
- c. To request information from the New York State Department of Taxation and Finance or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, notwithstanding any other provision of this Local Law to the contrary;
- d. To delegate any functions hereunder to the Deputy Comptroller or any officer or employee of the Office of Comptroller;
- e. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
- f. To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the Comptroller;
- g. To require any operator within the County to maintain any and all records required by this Local Law for a concrete length of time in excess of the five-year period required under Section 8 of this Local Law not to exceed five additional years;



- h. To permit an operator or hosting platform, upon a showing of good cause, to enter into an agreement with the County allowing the operator or hosting platform to make periodic payments in a manner and at such intervals to be prescribed by the Comptroller, provided that no such payment plan exceeds two years following the date that the return was due pursuant to Section 9 of this Local Law;
- i. To assess and determine the taxes imposed under this Local Law.

**Section 19. Administration of Oaths.**

- a. The Comptroller or the Comptroller's duly authorized employees or agents shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Comptroller shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of this duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of state or unable to attend in person or excused from attendance.
- b. A Justice of the Supreme Court of Erie County either in court or at chambers shall have power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Comptroller under this Local Law.
- c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Comptroller under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than five thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.
- d. The officers who serve the summons or subpoena of the Comptroller and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Sheriff of Erie County, the Sheriff's duly appointed deputies or any officers or employees of the Comptroller who have been designated by the Comptroller to serve such process.

**Section 20. Reference to Tax.**

- a. Whenever reference is made in placards, promotion, publication or other form of public-facing signage or advertisement to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of rooms for short-term accommodation."

- b. Whenever reference is made in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator or hosting platform to the tax imposed by this Local Law, the phrase "occupancy tax" will suffice.

**Section 21. Penalties and Interest.**

- a. Any person failing to file a return or to pay over any tax to the Comptroller within the time required by this Local Law shall be subject to a penalty of five percent of the amount of tax due, plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due.
- b. The Comptroller may, if satisfied that the delay was excusable, waive all or any part of a penalty imposed by this Section. The Comptroller may not waive interest accrued at the rate of six percent annually. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.
- c. Any operator, occupant, or hosting platform failing to file a return required by this Local Law, or filing or causing to be filed any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false shall be subject to a fine not to exceed ten thousand dollars. The individual who engages in such conduct while acting as the agent of such operator, occupant or hosting platform shall be guilty of a misdemeanor. The Comptroller may, in his discretion, refer such violations to the Erie County District Attorney.
- d. Any occupant, operator, or hosting platform who violates the provisions of this local law, in addition to any other penalties so specified by this Local Law, shall be subject to a fine not to exceed ten thousand dollars. Such violations include, but are not limited to:
  - 1. Failing to file a bond required to be filed pursuant to Section 11 of this Local Law;
  - 2. Failing to file a registration certificate and such data in connection therewith as the Comptroller may by regulation or otherwise require;
  - 3. Failure to display or surrender the Certificate of Authority as required by this Local Law or assigning or transferring such Certificate of Authority;
  - 4. Failing to charge the tax imposed by this Local Law altogether or separately from the rent;
  - 5. Failing to keep the records required by Section 8 of this Local Law or otherwise required by the Comptroller by regulation.
- e. In addition to the penalties imposed by this Section and otherwise imposed elsewhere by this Local Law, entities in violation thereof shall be subject to daily fines not to exceed

five hundred dollars per day for each day such entity remains in violation of this Local Law. Such penalties shall be collected in the same manner as otherwise prescribed elsewhere in this Local Law.

- f. The certificate of the Comptroller, to the effect that a tax has not been paid, that a return bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

**Section 22. Returns to be Secret.**

- a. Within 120 days of the effective date of this Local Law, the County shall establish a confidential mechanism permitting owners and operators to submit returns, pay amounts owed, and transmit all other information required by this Local Law in electronic form.
- b. Except as provided by a proper judicial order, or as otherwise provided by law, it shall be unlawful for the Comptroller or any officer or employee of the Office of Comptroller to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under the Local Law. The officers charged with the custody of such returns shall not be required to produce any return required by this Local Law or evidence of any information contained in them in any action or proceeding in any court or administrative proceeding except on behalf of the Comptroller in an action or proceeding brought under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.
- c. Nothing herein shall be construed to prohibit the following:
  - (1) delivery to a taxpayer or a taxpayer's duly authorized representative of a certified copy of any return filed in connection with such taxpayer's obligation under this Local Law; or
  - (2) the publication of statistics so classified as to prevent the identification of particular returns and the items thereof;
  - (3) the inspection of the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty; or
  - (4) confirming for any person or entity that a named operator does not have any undue outstanding tax liabilities, interest and/or penalties pursuant to this Local Law.

- d. Returns shall be preserved for five years and thereafter until the Comptroller permits them to be destroyed.
- e. Any violation of subdivision (a) of this Section shall be punishable by a fine not exceeding \$1,000. Any willful violation of subdivision (a) of this Section by an officer or employee of the County shall result in that officer or employee's immediate dismissal from office and prohibition from holding any public office for a period of five years thereafter.
- f. In the event that any person or operator fails to timely and accurately file a return and/or collect and remit the tax due and owing to the County, and/or fails to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction contained in subdivision (a) of this Section shall be lifted. Only authorized officers and employees of the Office of Comptroller, Division of Budget and Management, and Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an operator, person or taxpayer's name, names of the principals of said owner and/or operator, and the amount of the delinquency.

**Section 23. Notices and Limitations of Time.**

- a. Any notice authorized or required under the provisions of this local law may be given by sending the same by certified mail:
  - 1. In the case of an operator or hosting platform, to the address provided on the last return filed pursuant to the provisions of this Local Law; or
  - 2. In the case of an occupant, to the address provided by such occupant on the most recent application made to the Comptroller pursuant to Section 11 or Section 13 of this Local Law.
- b. The mailing of such notice shall be presumptive evidence of receipt by the entity to which the notice is addressed. Any time period which is determined according to the notice provisions of this Local Law shall commence to run from the date of mailing of such notice.
- c. The provisions of the Civil Practice Law and Rules or any other law conflicting with Chapter 614 of the Laws of 1974 relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax, interest, or penalty provided by this Local Law.
- d. Where an operator or hosting platform files a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return.

- e. Where no return has been filed by an operator or hosting platform as provided by Section 9 of this Local Law, the tax may be assessed at any time.
- f. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period. No extension authorized by this subsection shall, by itself or cumulatively, exceed two years past the original date of the return required by Section 9 of this Local Law.

**Section 24. Effective Date.**

This Local Law shall take effect upon filing with the New York Secretary of State and shall not be applied retroactively to the collection and remittance of taxes prior to the amendment to this local law taking effect.

**Section 25. Completion of Unfinished Business.**

Any matter undertaken or initiated and liabilities incurred under the provisions of the local laws repealed by Section 1 of this Local Law which are pending on the effective date of this Local Law shall be completed in the same manner and under the same terms and conditions and with the same effect as if conducted and completed in accordance with the provisions of the Local Laws herein repealed. Such matters include but are not limited to tax liability, interest and penalties previously incurred, warrants previously issued, and applications for refund previously made. Nothing in this Section shall be interpreted to exempt or excuse any operator or hosting platform from filing a certificate of registration with the Comptroller pursuant to Section 6(a) of this Local Law.

**Section 26. Severability.**

If any clause, sentence, paragraph, section, subsection, subdivision, or any part of this Local Law or the application therefore to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law and its subsequent amendments or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Sponsor:**

**HOWARD J. JOHNSON, JR.**

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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LL INTRO. 1-2 (2023)	MILLS, GREENE, TODARO, MALCZEWSKI, BASKIN, MEYERS, JOHNSON, KOOSHOIAN, BARGNESI, VINAL & GILMOUR	Providing for 10% Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers in Erie County
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Attachments

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LL INTRO. 1-2 (2023)

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**LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE  
LOCAL LAW INTRO. – NO. 1-2 - 2023  
LOCAL LAW – NO. \_\_\_\_\_ - 2023**

**Providing for 10% property tax exemptions for Volunteer Firefighters and Ambulance workers in Erie County**

**SECTION 1: Legislative Intent**

Volunteer firefighters and ambulance workers are vital to public safety in communities across Erie County. To encourage and reward the selfless acts of volunteerism displayed by our firefighters and ambulance workers, New York State now allows local municipalities to opt into a real property tax exemption for certain volunteer firefighters and volunteer ambulance workers.

This local law, pursuant to §466-a of the NYS Real Property Tax Law (RPTL), is intended to provide any enrolled member of an incorporated volunteer firefighter or volunteer ambulance company across Erie County a real property tax exemption of up to 10% of the assessed value of qualifying residential real property owned by a volunteer firefighter or ambulance worker in the district in which they volunteer.

It is further the intent of this body to extend this benefit to un-remarried spouses of volunteer firefighters and ambulance workers in instances where the volunteer dies after accruing twenty years of service or for those who die in the line-of-duty.

**SECTION 2: Provision of a Real Property Tax Exemption to Enrolled Members of Incorporated Volunteer Firefighter and Ambulance Companies**

The Erie County Legislature hereby provides a real property tax exemption of 10% of the assessed value of real property for taxes levied by Erie County for individuals that meet the following qualifications:

- The individual is an enrolled and certified member of an incorporated volunteer fire company, fire department, or volunteer ambulance service that provides services within the County of Erie and has a minimum of two years of service; and
- That the property receiving the benefit is located within the jurisdiction served by the incorporated fire department or volunteer ambulance service to which the volunteer belongs; and
- The individual resides in the County of Erie and the property receiving the benefit is the primary residence of the individual and is used exclusively for residential purpose, and any portion of the property not used for residential purposes shall be subject to taxation.

**SECTION 3: Grant of Lifetime Real Property Tax Exemption for Certain Volunteer Firefighters and Volunteer Ambulance Workers who have Accrued Twenty Years of Volunteer Service**

The Erie County Legislature hereby provides a lifetime real property tax exemption of 10% of the assessed value of real property for any individuals that have been certified by the authority having jurisdiction over an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service as having accrued twenty or more years of active service, so long as their primary residence remains within the Erie County jurisdiction in which they served.

**SECTION 4. Grant of Lifetime Real Property Tax Exemption for Un-remarried Spouses of Volunteer Firefighters and Volunteer Ambulance Workers Whose Spouses Qualify under Section 3 of this Law or Whose Spouses Die in the Line-of-Duty**

The Erie County Legislature hereby provides a real property tax exemption for life to the spouse of any volunteer firefighter or volunteer ambulance worker who dies after accruing twenty years of service or who dies in the line-of-duty pursuant to the policies contained in New York State RPTL §466-a (4). Provided, however, that the volunteer was already eligible for, and receiving, this benefit under either Section 2 or Section 3 as applicable.

**SECTION 5. Certification of Eligibility**

For the purposes of the requirements set forth by §466-a of NYS RPTL and this Local Law, no benefits can be provided without a certification of eligibility filed with the local assessor's office, in who's jurisdiction the applicant's property is located.

A universal county certificate of eligibility shall be published by the Erie County Executive on the County website for submission to applicant's assessor's office within 30 days of the effective date of this local law.

As part of any certificate of eligibility in application for benefits described by this law, the applicant must provide a Letter of Certification, which includes the exact date enrolled and current active status on their volunteer fire department or ambulance service's letterhead along with a proof of residency.

**SECTION 6. Effective Date**

This local law shall take effect in the next full tax year following filing with the Secretary of State.

Any volunteer having accrued the minimum years of service described in this local law as of the effective date of this law shall be eligible to apply for the benefits described herein provided they meet all other eligibility requirements contained in this law.



## **SECTION 7. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Sponsors:** Legislators Mills, Greene, Todaro, Malczewski, Baskin, Meyers, Johnson, Kooshoian, Bargnesi, Vinal and Gilmour

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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LL INTRO. 2-2 (2023)	BASKIN, MEYERS, JOHNSON, VINAL, KOOSHOIAN, BARGNESI & GILMOUR	The Public Art Act of Erie County
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Attachments

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LL INTRO. 2-2 (2023)

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## COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2-2 -2023

LOCAL LAW NO. \_\_\_\_\_-2023

**THE PUBLIC ART ACT OF ERIE COUNTY**

A Local Law providing for public financial support for public art in the County of Erie.

Be it enacted by the Legislature of the County of Erie as follows:

**Section 1. Legislative Findings and Intent**

The Erie County Legislature desires to support and promote worthwhile initiatives that help to promote the public good and improve the quality of life of our community. Like many other municipalities and local governments around the country, the Legislature wishes to further develop the County's financial support of public art through the County's construction of new infrastructure. This initiative seeks to make art accessible to all Erie County residents and visitors and to foster a sense of community connection and civic pride.

The County already has a robust financial contribution and commitment to arts and cultural institutions, through annual budgetary funding and occasional, one-time capital or operational funding for cultural assets. In addition, the County has been funding a position of Public Art Curator located at the Albright-Knox Art Gallery for several years.

The County also values artists and believes that artists should be compensated in a manner consistent with their experience. This will ensure that artists' expenses and labor on public art projects are adequately compensated and will strengthen our public art artists community by properly valuing their need in Erie County.

As contrasted with annual operational funding for the County's cultural assets (which are already financially subsidized and supported by the County of Erie), this initiative proposes to create a funding mechanism for public art related to certain Erie County capital construction projects. Under the proposal, depending on the size and type of the project, the County would allocate 1% of the cost of a building construction project (up to a maximum of \$10,000 allocated). The Committee will decide where in Erie County the public art will be installed in an annual Public Art Master Plan. Art won't need to be implemented where every capital improvement exists. All the 1% monies collected from the previous year's capital improvements will be allocated to fund the design, supplies and commission of the next year's Public Master Art Plan.

**Section 2. Funding**

Capital projects on buildings that are \$250,000 or greater, whether funded by capital (bonded) funds or operating funds, shall include the appropriation of funds equal to 1% of the cost of the

project, with said funds to be appropriated for the acquisition, maintenance and management of public art, except where the appropriating resolution, bond resolution or budget may provide otherwise; provided, however, that, where applicable, such amount shall be reduced to the extent that state funds, federal government funds, and funding derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges in the County, are not authorized to be used for such purpose. The maximum allocated for public art shall be \$10,000 from each eligible capital project.

A "Public Art Fund" shall be created by the Division of Budget and Management to hold funds for implementation of the projects finalized in the Master Public Art Plan and/or projects chosen by the Arts in Public Places Committee.

The use of any funds appropriated for any project for public art purposes shall be in accordance with the Master Public Art Plan, except that any such funds provided from the proceeds of County serial bonds or notes shall be used only for public art purposes related to the project for which such bonds or notes were authorized. To the extent the total appropriation of a project is not used for the acquisition of works of art for said project, upon the approval of the County Legislature, the remainder may be used for:

1. Arts program administrative costs, insurance costs or for the repair and maintenance of any works of art acquired under this law; or
2. Supplementing other appropriations for the acquisition of works of art under this law or to place works of art in or near government facilities which have already been constructed.

### **Section 3. Definitions**

As used in this law, the following terms shall have the meanings indicated:

"Public Art" includes any application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, fountains, streetscapes, drawings and ceramics, as well as decorative seating, topiary, and other decorative public use features.

"Capital Projects" includes: (a) new construction of a building or of additional space added to a building; and/or (b) any reconstruction or renovation of a building or part of a building, whether financed through the issuance of bonds or pay-as-you-go funding or other (non-County) sources of funds.

"Projects" shall not include those which are solely for rehabilitation of equipment.

"Cost of a Project" includes design, architectural and engineering fees, site work, construction, and contingency allowances for a project.

“Public Art Fund” means the new fund to which 1% of the value of a new capital project will be allocated to pursue Public Art initiatives (to a maximum of \$10,000 for each capital project).

“Committee” refers to the Arts in Public Places Committee.

“Master Public Art Plan” (“Plan”) means the annual plan created by the Committee by March 1 to ensure a coherent acquisition program and implementation guidelines for Public Art.

#### **Section 4. The Arts in Public Places Committee**

A. There shall be an Arts in Public Places Committee, hereinafter referred to as the “Committee,” consisting of five (5) members. The County Executive shall appoint three (3) members, and the Majority Caucus and Minority Caucus of the Legislature shall each appoint one member. All five members shall be subject to Legislature confirmation. The Chairperson of such Committee shall be selected from the members of the Committee for a term of one year.

B. The five (5) members shall be experts in the fields of art, art history, architecture or architectural history and must be Erie County residents and may not serve on any other County advisory board or be a County employee or officer. The members shall be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least ten (10) years’ experience in creating professional art.

C. In addition to the five (5) voting members of the Committee, The County Executive, the Chairperson of the Legislature, the Chairperson of the Legislature’s Community Enrichment Committee, the Legislature Minority Leader, and the Commissioner of Public Works or their designees, shall serve as ex officio non-voting members of the Committee.

D. The Committee shall choose the methods of acquisition of public art for each project. Such methods of acquisition may include but are not limited to projects of preexisting art, direct commission, art competition, request for proposals, or acceptance of donations.

E. The Committee may, for each project, convene a project panel comprised of at least three members of the Committee, one of whom shall be designated Chairperson. The Committee may also appoint additional art experts as members of the project panel. The Committee may appoint additional members to the panel to serve as advisors, who may be community representatives, County employees, project managers or others who will have frequent contact with the public art when it is completed. An architect or engineer shall be an ex officio member of each panel. The panel shall review the scope of each project and shall make recommendations to the Committee on the nature of the public art to be considered for the project, on the method of acquisition for each project, on the specific artist and the specific art for each project and what portion of the budget for each project shall be used for refurbishing or restoring existing works of art or to be set aside for the maintenance of a work of art.

F. The acquisition and siting of all art work shall be approved by the County Executive and the County Legislature.

- G. Ownership and title of all works of public art acquired by the County under this section shall be vested in the County of Erie.
- H. The Committee shall create by-laws which will govern the conduct and operations of the Committee.
- I. The Erie County Department of Environment and Planning shall serve as coordinator for the program and provide staff support to the Committee.
- J. The Committee shall deliver an annual report to the County Executive and the County Legislature detailing its operations, Plan and art created under its auspices.

### **Section 5. Master Public Art Plan**

The Committee shall prepare a Master Public Art Plan ("Plan") annually to ensure a coherent acquisition program and implementation guidelines, which shall be approved by the Erie County Legislature. The Committee shall hold a public hearing on the Plan prior to its approval. The Plan shall be approved by the Committee and submitted to the Legislature annually by March 1.

1. All acquisitions and sales of public art shall be in accordance with the Master Public Art Plan. The Committee shall recommend acquisitions, the hiring of artists, and shall oversee the public education and curatorial aspects of the acquisition program.
2. The Plan shall make affirmative efforts to be equitable and diverse and to include artists selected for public art projects who are racially and ethnically diverse. The siting of such art projects shall be throughout the County, but with efforts undertaken to place art in areas of diversity.
3. The Plan shall strive to use artists that are County residents.
4. The Plan shall emphasize the importance of adequate compensation of artists.
5. The Plan shall be voted on by the Legislature and presented to the Department of Environment and Planning by May 1st annually.
6. The Committee shall, through the Plan and its acquisition efforts, make efforts to call for artist submissions and publicize the intention to find appropriate art within thirty (30) days of the Plan's approval annually.
7. Final contracts for authorizing public art contracts and hiring of artists are subject to approval by the Erie County Legislature.

## **Section 6. Effective Date**

This Local Law shall take effect upon filing with the New York State Secretary of State.

## **Section 7. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

## **Sponsors:**

April N.M. Baskin  
Timothy Meyers  
Howard Johnson  
Jeanne Vinal  
Michael Kooshoian  
John Bargnesi  
John Gilmour





Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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LL INTRO. 4-1 (2023)	BASKIN	The Videoconferencing Participation Act
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Attachments

Local Law Intro. 4-1 (2023)

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LOCAL LAW INTRO. NO. 4-1 -2023

LOCAL LAW NO. \_\_\_\_\_-2023

**THE VIDEOCONFERENCING PARTICIPATION ACT**

A Local Law providing for remote public meetings and remote participation of the Legislature in the County of Erie.

Be it enacted by the Legislature of the County of Erie as follows:

**Section 1. Legislative Findings and Intent**

It is the intent of this local law to give the Erie County Legislature (“Legislature”) the authority to participate in meetings via videoconference in a manner consistent with the Legislature’s videoconferencing policy and the authority granted in Public Officers Law §103-a.

**Section 2. Authority**

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the Legislature to adopt a local law giving the Legislature the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the Legislature participates from locations where the public may be physically present and other conditions are met.

**Section 3. Videoconferencing for Public Meetings**

The Legislature hereby authorizes members of the Legislature to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Legislature’s videoconferencing policy approved by the Legislature.

**Section 6. Effective Date**

This Local Law shall take effect upon filing with the New York State Secretary of State.

**Section 7. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

**Sponsor:**

April N.M. Baskin

# **ERIE COUNTY LEGISLATURE VIDEOCONFERENCING PARTICIPATION POLICY**

## **Section 1. Legislative Findings and Intent**

The Erie County Legislature (herein "Legislature") desires to provide the proper procedures and policy for compliance with videoconferencing for public meetings held virtually and for any remote participation by an Erie County Legislator in any Erie County Legislature public meeting.

The Legislature's videoconferencing participation policy is required to follow Section 103-a of the New York Public Officers Law ("POL"), as enacted by Part WW of Chapter 56 of the Laws of 2022. POL § 103-a permits public bodies such as the Legislature to authorize their members to attend meetings by videoconference from locations that are not open to the public ("private locations"), when necessitated by "extraordinary circumstances," provided that:

- (i) the number of members of the public body who attend the meeting at location(s) where the public can attend is at least equal to the number required to satisfy the public body's quorum requirement.
- (ii) the public body has established written procedures governing member and public attendance consistent with Section 103-a of the POL.
- (iii) such written procedures are conspicuously posted on the public website of the public body.
- (iv) the other criteria specified in Section 103-a of the POL are satisfied.

## **Section 2. Legislator Attendance**

- A. All Legislators shall be physically present at the location(s) of the public meeting unless a Legislator cannot be physically present at the public meeting for one (1) or more of the circumstances enumerated in subsection B herein.
- B. Members may be excused from physically attending any public meeting of the Agency, and may instead attend via videoconferencing from a private location, if any of the following circumstances (hereinafter "Extraordinary Circumstances"):
  - (i) Disability of a Legislator.
  - (ii) Illness of a Legislator.
  - (iii) The Legislator has caregiving responsibilities for:
    - (a) one (1) or more dependents, or
    - (b) family member(s) with an illness or disability.
  - (iv) A Legislator has a significant or unexpected factor or event.
- C. In the event a Legislator is unable to be physically present at the designated public meeting location(s) and wishes to participate by videoconferencing from a private

location due to an Extraordinary Circumstance, the Legislator must notify the Clerk of the Legislature in writing and state which Extraordinary Circumstance(s) is preventing them from appearing in person.

### **Section 3. Public Attendance**

Members of the public shall be allowed to attend any public meeting conducted via video at the physical location of the public meeting, or if the public meeting is authorized for public comment, members of the public may participate via videoconferencing.

### **Section 4. Rules and Procedures for Public Meetings Conducted Via Video Conference.**

- A. A quorum of the Legislature must be physically present at the meeting location(s) open to the public for the meeting to be properly convened. A Legislator participating in the meeting via videoconferencing shall not count towards the Legislature's quorum requirements for the meeting but may participate and vote if a physical quorum of the Legislature exists.
- B. Except in the case of executive sessions conducted pursuant to POL § 105, a Legislator participating by videoconferencing from a private location must be seen, heard, and identified at all times during the public meeting. Such Legislator shall ensure their names appear on their videoconferencing screen or video feed.
- C. If public comment or participation in the meeting is authorized or required, the video feed, and public participation therein, must be in real time, and the Legislature shall conduct the public participation portion of the meeting in a manner ensuring virtual public participation or testimony equal to in-person participation or testimony.
- D. The meeting minutes for a public meeting where a Legislator attends via videoconferencing shall include which Legislator participated remotely, and the meeting minutes shall be made available to the public pursuant to POL § 106.
- E. The public notice for any meeting held via video conference shall include the following information:
  - a. Notification that videoconferencing will be used to conduct the meeting.
  - b. Identification of where the public can view and/or participate in the meeting, including:
    - i. the physical location(s) of the meeting.
    - ii. any web addresses for video links.
    - iii. Identification of the location(s) where any required documents and/or records will be posted or available for public viewing.

- F. Each open portion of meetings held via videoconference must be recorded. The recording:
- a. Must be posted or linked on the website of the Agency within five (5) business days of the meeting.
  - b. Must remain available for a minimum of five (5) years after it is posted.
  - c. Shall be transcribed upon written request subject to any reasonable fees for the production thereof.
- G. Meetings held via video conference must utilize technology to permit access by individuals with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and the corresponding guidelines thereto. For purposes of this section, the term "disability" shall have the meaning defined in New York Executive Law § 292.

### **Section 5. Exceptions**

The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state emergency proclaimed by the chief executive of a county pursuant to Executive Law § 24 if the Legislature determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Legislature to hold an in-person meeting.

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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REPORT No. 5                      ENERGY & ENVIRONMENT COMMITTEE

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**Attachments**

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EE - Report #5

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April 20, 2023

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 6E-9 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 6 - Lackawanna WRRF & ORF Disinfection Systems Improvements Project”  
(Chair’s Ruling)
- b. COMM. 6E-10 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 6 - Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project”  
(Chair’s Ruling)
- c. COMM. 6E-11 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 2 - Big Sister Creek WRRF IT Infrastructure Improvements”  
(Chair’s Ruling)
- d. COMM. 7E-3 (2023)  
**BASKIN:** “Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA”  
(Chair’s Ruling)
- e. COMM. 7E-4 (2023)  
**BASKIN:** “Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA”  
(Chair’s Ruling)
- f. COMM. 7E-5 (2023)  
**BASKIN:** “Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA”  
(Chair’s Ruling)
- g. COMM. 7E-19 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 3 - Engineer Contract Agreement”  
(Chair’s Ruling)

- h. COMM. 7E-20 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 8 - East Aurora Water Resource Recovery Facility Control Building Improvements”  
(Chair’s Ruling)
- i. COMM. 7E-21 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 6 - Engineer Term Contract Agreement”  
(Chair’s Ruling)
- j. COMM. 7E-22 (2023)  
**COUNTY EXECUTIVE:** “ECSD No. 2 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
- k. COMM. 7D-2 (2023)  
**CLERK OF LEGISLATURE:** “Letters of Interest & Resumes for Position of Commissioner of the ECWA”  
(Chair’s Ruling)
- l. COMM. 7M-4 (2023)  
**DEC:** “DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo”  
(Chair’s Ruling)
- m. COMM. 7M-5 (2023)  
**DEC:** “DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Main St., Buffalo”  
(Chair’s Ruling)
- n. COMM. 7M-6 (2023)  
**DEC:** “DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Fillmore Ave., Buffalo”  
(Chair’s Ruling)
- o. COMM. 7M-7 (2023)  
**NYSERDA:** “Notice of Intent to Undertake an Action Within an Agricultural District – Town of Grand Island”  
(Chair’s Ruling)

2. COMM. 5E-7 (2023) AS AMENDED  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 73-A and 73-D at 10:00 a.m. on March 29, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 73-A General/Mechanical	Hohl Industrial Services Inc. 770 Riverview Blvd Tonawanda, NY 14150	\$ 2,893,000.00
Contract 73-D Electrical	CIR Electric Construction Corporation 2517 Long Road Grand Island, NY 14072	\$ 351,760.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Influent Screenings Replacement Project, Erie County Sewer District No. 3, Contract Nos. 73-A and 73-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 73-A General/Mechanical	Hohl Industrial Services Inc. 770 Riverview Blvd Tonawanda, NY 14150	\$ 2,893,000.00
Contract 73-D Electrical	CIR Electric Construction Corporation 2517 Long Road Grand Island, NY 14072	\$ 351,760.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidders, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$3,000,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract Nos. 73-A and 73-D; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of up to \$244,760.00 in ECSD No. 3 Capital Reserve Account C.00007, Fund 430, Funds Center 183 to fund Contract Nos. 73-A and 73-D; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$244,760.00 from ECSD No. 3 Capital Reserve Account C.00007 and a transfer of \$3,000,000.00 in Capital Account No. C.21150 to Erie County Sewer District No. 3 Capital Bond Account C.17301, Fund 430, Funds Center 183; and be it further

RESOLVED, that \$3,244,760.00 be allocated in Erie County Sewer District No. 3 Capital Bond Account C.17301 to fund Contract Nos. 73-A and 73-D; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that any unused funds for this Contract will be returned to Erie County Sewer District No. 3 Capital Reserve Account C.00007 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(4-0)

3. COMM. 7E-17 (2023)  
COUNTY EXECUTIVE

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) has awarded regional energy hub grants to community-based organizations across the state, with the Western New York Clean Energy Hub being awarded to People United for Sustainable Housing, Inc; and

WHEREAS, Erie County is specified by NYSERDA as a grant sub-awardee for \$329,628, to provide community engagement support to the WNY Hub; and

WHEREAS, the WNY Hub is an important strategy for achieving the County's goals to reduce the community's carbon footprint, lower energy costs for low- and moderate-income households, and improve access to renewable energy; and



WHEREAS, to proceed with the project it is necessary for Erie County to execute an agreement with People United for Sustainable Housing, Inc., adopt a project budget; and create a new Junior Environmental Compliance Specialist (JG7) position in the Department of Environment & Planning (DEP).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$329,628 from People United for Sustainable Housing, Inc. as a sub-awardee from NYSERDA and be made available as a multi-year grant to DEP in Fund 281, Fund Center 1620020 as follows:

Department of Environment & Planning  
WNY Regional Clean Energy Hub Project  
162WNYRCEHP2327  
May 1, 2023 to December 31, 2027

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409010	State Aid - Other	\$329,628
TOTAL REVENUE		\$329,628

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$202,603
502000	Fringe Benefits	\$127,025
TOTAL APPROPRIATIONS:		\$329,628

and be it further

RESOLVED, that the following position will be created in the Department of Environment and Planning and funded by grant 162WNYRCEHP2327 in Fund 281:

Junior Environmental Compliance Specialist (JG-7)  
B-100 No. 13721

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Commissioner of Environment and Planning; and Deputy Commissioner of Environment and Planning – Compliance.  
(4-0)

**TIMOTHY J. MEYERS**  
**CHAIR**

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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REPORT No. 4                      FINANCE & MANAGEMENT COMMITTEE

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**Attachments**

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FM - Report #4

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April 20, 2023

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 7E-7 (2023)  
**COMPTROLLER:** “Dec. 2022 - Feb. 2023 Sales & Compensating Use Tax Report”  
(Chair’s Ruling)
  - b. COMM. 7E-9 (2023)  
**COMPTROLLER:** “Department of Law Risk Retention Fund Spending - Jan. & Feb. 2023”  
(Chair’s Ruling)
  - c. COMM. 7D-1 (2023)  
**DEPUTY COMPTROLLER OF AUDIT:** “Audit of the Department of Law - Notification of Expanded Scope of the Indigent Defense Program to Include Claim Reimbursements”  
(Chair’s Ruling)
  - d. COMM. 7D-4 (2023)  
**DEPUTY COMPTROLLER OF AUDIT:** “EC Comptroller's Office Audit of the Department of Law”  
(Chair’s Ruling)
  - e. COMM. 7M-8 (2023)  
**NYS DEPARTMENT OF TAXATION & FINANCE:** “List of Certified 2023 State Equalization Rates”  
(Chair’s Ruling)
  - f. COMM. 7M-9 (2023)  
**NYS DEPARTMENT OF TAXATION & FINANCE:** “List of Certified 2023 State Equalization Rates”  
(Chair’s Ruling)
2. COMM. 2D-3 (2023) **AS AMENDED**  
**DIRECTOR OF REAL PROPERTY TAX SERVICES**  
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 250042 through 250070, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2023 Petition No. 250,042.00

ASSESSOR Cancel  
S-B-L 107.00-8-14 1636 Sandridge Rd 142089 ALDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 Town/SpecialDist/School  
Charge To : 142089 ALDEN  
Relevy School \$199.76 142001 ALDEN CENTRAL

RPTL 550(2): Applied school tax payment to wrong parcel  
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,043.00

ASSESSOR Cancel \$255.71  
S-B-L 108.15-3-7 1804 Crittenden Rd 142001 ALDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$255.71 Town/SpecialDist/School  
Charge To : 142001 ALDEN \$255.71  
Relevy School \$255.71 142001 ALDEN CENTRAL

RPTL 550(2): Applied school payment to wrong parcel  
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,044.00

ASSESSOR Refund \$1,328.19  
S-B-L 28.42-1-4 30 Coriander Ct 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$1,328.19 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$1,328.19

RPTL 550(2): Applied incorrect sewer units  
Refund to be issued to Frances Mary Egloff

FISCAL YEAR 2023 Petition No. 250,045.00

ASSESSOR Refund \$424.94  
S-B-L 69.10-2-17.2/7F 610 Youngs Rd Uni 142289 AMHERST

Acct. No. 112 \$247.72 County  
Acct. No. 132 \$177.22 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$177.22

RPTL 550(2): Failed to apply senior exemption  
Refund to be issued to Gary C. Francescone

FISCAL YEAR 2023 Petition No. 250,046.00

ASSESSOR Cancel \$1,671.62  
S-B-L 176.05-2-44 62 Olean St 142401 EAST AURORA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,671.62 Town/SpecialDist/School  
Charge To : 142401 EAST AURORA \$1,671.62

Relevy Village \$1,671.62 Village of EAST AURORA  
RPTL 550(2): Failed to apply partial payment to village taxes  
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,047.00

ASSESSOR Cancel \$1,593.28  
S-B-L 92.14-1-1.112 Moorman Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,593.28 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$1,593.28  
Relevy School \$1,593.28 143002 CHEEK. UNION #2

RPTL 550(7): Failed to apply town owned exemption, RS 8  
Refund to be issued to Town of Cheektowaga

FISCAL YEAR 2023 Petition No. 250,048.00

ASSESSOR Refund \$1,191.35  
S-B-L 92.14-1-1.112 Moorman Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$473.65 County  
Acct. No. 132 \$717.70 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$717.70

RPTL 550(7): Failed to apply town owned exemption, RS 8  
Refund to be issued to Town of Cheektowaga

FISCAL YEAR 2023 Petition No. 250,049.00

ASSESSOR Refund \$229.85  
S-B-L 91.11-7-18 696 Maryvale Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$229.85 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$229.85  
Relevy School \$229.85 143002 CHEEK. UNION #2

RPTL 550(2): Failed to apply on time school tax payment  
Refund issued to Jeffery & Christine Walsh

FISCAL YEAR 2023 Petition No. 250,050.00

ASSESSOR Refund \$257.41  
S-B-L 113.21-5-27 151 Roland St 143001 SLOAN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$257.41 Town/SpecialDist/School  
Charge To : 143001 SLOAN \$257.41  
Relevy School \$257.41 143009 SLOAN UNION #9

RPTL 550(2): Failed to apply timely school tax payment

Refund to be issued to Joseph M. Fouchie

FISCAL YEAR 2023 Petition No. 250,051.00

ASSESSOR Cancel \$15,900.00  
S-B-L 123.28-6-11 75 Pleasant Pkwy 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$15,900.00 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$15,900.00

RPTL 550(2): Applied incorrect amount on clean up charge.  
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,052.00

ASSESSOR Cancel \$32.77  
S-B-L 103.76-3-17 4596 Broadway St 143003 DEPEW

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$32.77 Town/SpecialDist/School  
Charge To : 143003 DEPEW \$32.77

RPTL 550(2): Failed to apply capital improvement exemption  
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,053.00

ASSESSOR Refund \$911.19  
S-B-L 103.12-3-6.111 Rossiter Ave 143001 SLOAN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$911.19 Town/SpecialDist/School  
520 Code SC520 \$538.03  
Charge To : 143001 SLOAN \$373.16  
Relevy School \$373.16 143007 DEPEW UNION-CHEEK

RPTL 550(7): Failed to apply village owned exemption, RS 8  
Refund to be issued to Village of Depew

FISCAL YEAR 2023 Petition No. 250,054.00

ASSESSOR Refund \$709.65  
S-B-L 103.12-3-6.111 Rossiter Ave 143003 DEPEW

Acct. No. 112 \$100.09 County  
Acct. No. 132 \$609.56 Town/SpecialDist/School  
Charge To : 143003 DEPEW \$609.56

RPTL 550(7): Failed to apply village owned exemption, RS 8.  
Refund to be issued to Village of Depew

FISCAL YEAR 2022 Petition No. 250,055.00

ASSESSOR Refund \$6.38  
S-B-L 274.00-2-13.11 10690 Springville 143889 CONCORD

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$6.38 Town/SpecialDist/School  
Charge To : 143889 CONCORD \$6.38  
Relevy School \$6.38 143801 SPRING-GRIFFITH

RPTL 550(1): Incorrect acreage  
Refund to be issued to Donna Felger

FISCAL YEAR 2023 Petition No. 250,056.00

ASSESSOR Refund \$4.67  
S-B-L 274.00-2-13.11 10690 Springville 143889 CONCORD

Acct. No. 112 \$1.79 County  
Acct. No. 132 \$2.88 Town/SpecialDist/School  
38019 CONCORD FIRE PROTECT \$1.36  
Charge To : 143889 CONCORD \$1.52

RPTL 550(2): Incorrect acreage  
Refund to be issued to Donna Felger

FISCAL YEAR 2023 Petition No. 250,057.00

ASSESSOR Refund \$549.93  
S-B-L 255.00-3-8 9550 Sisson Hwy 144000 EDEN

Acct. No. 112 \$308.19 County  
Acct. No. 132 \$241.74 Town/SpecialDist/School  
Charge To : 144000 EDEN \$241.74

RPTL 550(2): Failed to calculate aged exemption properly  
Refund to be issued to Robert P. & Cecilia B. Mols

FISCAL YEAR 2022 Petition No. 250,058.00

ASSESSOR Refund \$300.00  
S-B-L 253.00-1-2 2071 Carpenter Rd 144000 EDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$300.00 Town/SpecialDist/School  
40049 ECSD2 Flat Usage Fee \$300.00  
Charge To : 144000 EDEN \$0.00

RPTL 550(2): Applied ECSD flat usage fee in error  
Refund to be issued to Lewis A Yager Jr.

FISCAL YEAR 2021 Petition No. 250,059.00

ASSESSOR Refund \$300.00  
S-B-L 253.00-1-2 2071 Carpenter Rd 144000 EDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$300.00 Town/SpecialDist/School  
40049 ECSD2 Flat Usage Fee \$300.00  
Charge To : 144000 EDEN \$0.00

RPTL 550(2): Applied ECSD flat usage fee in error.  
Refund to be issued to Lewis A. Yager Jr.

FISCAL YEAR 2023 Petition No. 250,060.00

ASSESSOR Refund \$315.00  
S-B-L 253.00-1-2 2071 Carpenter Rd 144000 EDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$315.00 Town/SpecialDist/School  
40049 ECSD2 Flat Usage Fee \$315.00  
Charge To : 144000 EDEN \$0.00

RPTL 550(2): Applied ECSD flat usage fee in error  
Refund to be issued to Lewis A Yager Jr.

FISCAL YEAR 2022 Petition No. 250,061.00

ASSESSOR Cancel \$7,630.51  
S-B-L 23.00-1-17.111 126 Industrial Dr 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$7,630.51 Town/SpecialDist/School  
Charge To : 144600 GRAND ISLAND \$7,630.51  
Relevy School \$7,630.51 144601 GRND ISLN CENTRAL

RPTL 550(2): Failed to apply Solar PILOT exemption  
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,062.00

ASSESSOR Cancel \$230.64  
S-B-L 23.00-1-17.111 126 Industrial Pkwy 144600 GRAND ISLAND

Acct. No. 112 \$73.66 County  
Acct. No. 132 \$156.98 Town/SpecialDist/School  
Charge To : 144600 GRAND ISLAND \$156.98

RPTL 550(2): Failed to apply Solar PILOT agreement  
New tax bill to be issued.

FISCAL YEAR 2021 Petition No. 250,063.00

ASSESSOR Refund \$370.00  
S-B-L 139.13-4-11 S-1886 Two Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$370.00 Town/SpecialDist/School  
Charge To : 145400 MARILLA \$370.00

RPTL 550(2): Incorrect sanitation units  
Refund to be issued to David Cegielski

FISCAL YEAR 2022 Petition No. 250,064.00

ASSESSOR Refund \$370.00  
S-B-L 139.13-4-11 S 1886 Two Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$370.00 Town/SpecialDist/School  
Charge To : 145400 MARILLA \$370.00

RPTL 550(2): Incorrect sanitary units  
Refund to be issued to David Cegielski

FISCAL YEAR 2023 Petition No. 250,065.00

ASSESSOR Refund \$370.00  
S-B-L 139.13-4-11 S 1886 Two Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$370.00 Town/SpecialDist/School  
Charge To : 145400 MARILLA \$370.00

RPTL 550(2): Incorrect sanitation units  
Refund to be issued to David Cegielski

FISCAL YEAR 2023 Petition No. 250,066.00

ASSESSOR Cancel \$137.51  
S-B-L 157.00-6-10./GG Four Rod Rd 145400 MARILLA

Acct. No. 112 \$112.86 County  
Acct. No. 132 \$24.65 Town/SpecialDist/School  
54019 MARILLA FIRE PROTECT \$19.18

Charge To : 145400 MARILLA \$5.47

RPTL 550(2): Incorrect assessed value  
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,067.00

ASSESSOR Refund \$1,111.17  
S-B-L 65.68-1-6 194 Henderson Ave 146489 TONAWANDA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,111.17 Town/SpecialDist/School  
520 Code SC520 \$1,111.17  
Charge To : 146489 TONAWANDA \$0.00

RPTL 550(2): Incorrect calculation of exemption removal charge  
Refund to be issued to David G. Economou

FISCAL YEAR 2023 Petition No. 250,068.00

ASSESSOR Refund \$2,041.67  
S-B-L 65.68-1-6 194 Henderson Ave 146489 TONAWANDA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$2,041.67 Town/SpecialDist/School  
64999 EXEMPTION REMOVAL \$2,041.67  
Charge To : 146489 TONAWANDA \$0.00

RPTL 550(2): Incorrect calculation of exemption removal charge  
Refund to be issued to David G. Economou

FISCAL YEAR 2022 Petition No. 250,069.00

ASSESSOR Refund \$1,419.00  
S-B-L 143.14-3-57 750 Fisher Rd 146800 WEST SENECA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,419.00 Town/SpecialDist/School  
Charge To : 146800 WEST SENECA \$1,419.00  
Relevy School \$1,419.00 146801 WEST SENECA CENT

RPTL 550(2): Failed to apply exemptions  
Refund to be issued to Edwina & Jeffrey Kwiatkowski

FISCAL YEAR 2023    Petition No.    250,070.00

ASSESSOR    Refund \$1,089.60  
S-B-L 143.14-3-57    750 Fisher Rd    146800 WEST SENECA

Acct. No. 112    \$419.82 County  
Acct. No. 132    \$669.78 Town/SpecialDist/School  
Charge To :    146800 WEST SENECA    \$669.78

RPTL 550(2): Failed to apply vet exemptions  
Refund to be issued to Edwina & Jeffrey Kwiatkowski

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property  
Tax Services.  
(5-0)

**TIMOTHY J. MEYERS**  
**CHAIR**



**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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REPORT No. 5                      ECONOMIC DEVELOPMENT COMMITTEE

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**Attachments**

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ED - Report #5

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April 20, 2023

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 7M-3 (2023)  
NFTA: “NFTA Revised Budget for FYE 24”  
(Chair’s Ruling)

2. COMM. 7E-14 (2023)  
**COUNTY EXECUTIVE**  
WHEREAS, the 2022 Miscellaneous Culvert Group Construction (Project CUL-MISC-2-22) (the “Project”), for the replacement of two (2) culverts was approved by your Honorable Body via COMM 13E-20 (July 21, 2022); and

WHEREAS, constructability and additional slope failure at the Emery Road (CR 67) culvert in the Town of Aurora, it was determined that this culvert needed to be removed from this contract for further design and investigation; and

WHEREAS, a culvert carrying East Eden Road (CR 220) between Schintzius Road (CR 483) and Hardt Road (CR 473) in the Town of Eden was substituted for the Emery Road culvert for replacement; and

WHEREAS, changing the Project name and number to the Replacement of 2022 Culvert Group 1 (Project CAP-CUL-2022) will clarify the pre and post amended resolution; and

WHEREAS, there are no financial changes in the project previously approved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the amendment to remove the Emery Road (CR 67) culvert from the Project and the addition of the East Eden Road (CR 220) culvert to the Project; and be it further

RESOLVED, that the project be known as the Replacement of 2022 Culvert Group 1 (Project CAP-CUL-2022); and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

3. COMM. 7E-16 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, consistent with Erie County’s Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner, (Grand Island Sunrise LLC) has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law (“RPTL”) Section 487(1)(b) (the “Project”) with an expected nameplate capacity (“Capacity”) of approximately 5.00 Megawatts AC on an approximately 167-acre parcel of land located within the Town of Grand Island, identified as 871 Whitehaven Road, SBL: 38.09-3-1; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require a Payment in Lieu of Taxes Agreement (“PILOT”) with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town of Grand Island an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems (“Form RP-487”); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Grand Island Sunrise LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 871 Whitehaven Road, Grand Island New York (SBL: 38.09-3-1); and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount \$17,500.00, subject to annual escalation of 2%; and be it further

RESOLVED, that said Agreement shall include an estimated annual PILOT based on the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive's Office; Division of Budget and Management; Department of Real Property Tax Services; Department of Environment and Planning; County Comptroller; and the County Attorney.

Schedule A  
PILOT Schedule\*

PILOT Term Year	Calendar Year	County Payment Amount
Year 1	2024	\$ 17,500.00
Year 2	2025	\$ 17,850.00
Year 3	2026	\$ 18,207.00
Year 4	2027	\$ 18,571.14
Year 5	2028	\$ 18,942.56
Year 6	2029	\$ 19,321.41
Year 7	2030	\$ 19,707.84
Year 8	2031	\$ 20,102.00
Year 9	2032	\$ 20,504.04
Year 10	2033	\$ 20,914.12
Year 11	2034	\$ 21,332.40
Year 12	2035	\$ 21,759.05
Year 13	2036	\$ 22,194.23
Year 14	2037	\$ 22,638.12
Year 15	2038	\$ 23,090.88

\*Please note that, as per the PILOT Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes.  
(5-0)

4. COMM. 7E-18 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the relocation of existing railroad lines is necessary to develop the site into a shovel ready site ready for development; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in design of railroad infrastructure; and

WHEREAS, the County of Erie has approved funding in the County Budget to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the Erie County Industrial Development Agency or Buffalo and Erie County Industrial Land Development Corporation, or other state and federal agencies, and consultants in amounts not to exceed a total of \$600,000, for the purpose of the design and construction of railroad on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with the Genesee and Wyoming Railroad Inc., New York State Department of Transportation, Erie County Water Authority as necessary to execute this project and complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.19025 in the amount of \$237,367.56 and A.13012 in the amount of \$362,632.44 available respectively as part of the approved County budgets; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, County Attorney, Comptroller's Office, Division of Budget and Management, and the Department of Environment & Planning.  
(5-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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REPORT No. 5                      PUBLIC SAFETY COMMITTEE

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**Attachments**

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PS - Report #5

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April 20, 2023

PUBLIC SAFETY COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6D-3 (2023)  
**ERIE COUNTY PROBATION COMMISSIONER:** “Erie County Conditional Release Commission - 2022 Annual Report”  
(Chair’s Ruling)
  - b. COMM. 7E-1 (2023)  
**MILLS:** “Board Appointment Recommendation”  
(Chair’s Ruling)
2. COMM. 7E-11 (2023)  
**SHERIFF**  
WHEREAS, the Erie County Sheriff’s Division of Correctional Health is responsible for the medical care of individuals in its custody; and  
  
WHEREAS, this medical care requires access to prescription medicine for preexisting and diagnosed conditions while incarcerated; and  
  
WHEREAS, the Sheriff’s Division of Correctional Health and its chief medical officer monitor the incarcerated population’s medical conditions, continue therapies, or order new medicinal treatments; and  
  
WHEREAS, Correctional Health issued a Request for Proposal (RFP) for an expiring pharmaceutical supplier and received five proposals; and  
  
WHEREAS, Westwood’s proposal was deemed the overall best proposal by the review committee; and  
  
WHEREAS, the Sheriff’s Office recommends that MAO Pharmacy Inc. (D/B/A Westwood Pharmacy) be awarded the contract for RFP #2023-003VF; and  
  
WHEREAS, this is a two-year agreement with the option of up to three one-year extensions; and  
  
WHEREAS, either party may terminate the agreement, with or without cause, with thirty days written notice; and

WHEREAS, there are no fiscal implications on the operating budget. The professional services contract for pharmacy services at the Erie County Holding Center and the Erie County Correctional Facility are funded in accounts:

516020	Professional Services	\$2,000,000.00
505800	Medical and Health Supplies	\$25,000.00

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff’s Office to award RFP #2023-003VF to MAO Pharmacy, Inc., d/b/a Westwood Pharmacy, 5823 Patterson Avenue, Richmond, VA 23226, for comprehensive pharmacy management services to the Erie County Sheriff’s Division of Correctional Health; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with MAO Pharmacy, Inc., d/b/a Westwood Pharmacy, 5823 Patterson Avenue, Richmond, VA 23226; and be it further

RESOLVED, the terms of the agreement are for two years with up to three additional one-year extensions; and be it further

RESOLVED, the contract is funded in Fund Center 11650, in the following accounts:

516020	Professional Services	\$2,000,000.00
505800	Medical and Health Supplies	\$25,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments necessary to effectuate these transfers should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller’s Office, and the Chief of Administration of the Sheriff’s Office for implementation.  
(5-0)

3. COMM. 7E-12 (2023)

**SHERIFF**

WHEREAS, the US Department of Homeland Security, through the NYS Division of Homeland Security and Emergency Services, has awarded \$139,500.00 for FY22 to Erie County in funding to increase security; and

WHEREAS, the Erie County Sheriff's Office will coordinate with police agencies from the cities of Buffalo, Lackawanna, and Tonawanda and the towns of Brant, Evans, Hamburg, Lancaster, and Tonawanda; and

WHEREAS, these operations support the U.S. Border Patrol's mission of protecting the international borders from human trafficking and illegal drug operations as well as apprehending terrorists and others intent on conducting illegal activities on U.S. soil; and

WHEREAS, the funds will be used for overtime, fringe benefits, and equipment of the participating law enforcement agencies while participating in Operation Stonegarden; and

WHEREAS, this resolution accepts \$139,500.00 in grant funding and will provide for all expenses needed to support this program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with the New York State Department of Homeland Security to accept \$139,500.00 for FY22; and be it further

RESOLVED, the Fund Center is 11510, and the grant will be allocated to the following accounts:

ERIE COUNTY SHERIFF'S OFFICE  
FY 2022 Operation Stonegarden Grant  
September 1, 2022, to August 31, 2025

REVENUE		DECREASE
414000	Federal Revenue	\$139,500.00
APPROPRIATION		INCREASE
501000	Overtime	\$22,000.00
502000	Fringe Benefits	\$5,760.00
516010	Contractual Payments	\$106,740.00
516410	Lab and Tech Equipment	\$5,000.00
	Total Revenue	\$139,500.00

and be it further

RESOLVED, that the County Executive and the Erie County Sheriff's Office are authorized to enter into sub-contracts with the cities of Buffalo, Lackawanna, and Tonawanda, and the towns of Brant, Evans, Hamburg, Lancaster, and Tonawanda to reimburse the expenses the agency incur while participating in Operation Stonegarden and border security operations; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments necessary to effectuate these transfers should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.  
(5-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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REPORT No. 3                      COMMUNITY ENRICHMENT COMMITTEE

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Attachments

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CE - Report #3

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April 20, 2023

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 6E-8 (2023)  
**COUNTY EXECUTIVE:** “Buffalo Niagara Convention & Visitors Bureau Board Appointment”  
(Chair’s Ruling)
2. COMM. 7E-15 (2023)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for SUNY Erie; and

WHEREAS, the Erie County Legislature authorized at its September 22, 2022, meeting, SUNY Erie to enter into a three-year initial term and for up to two additional one-year periods contract with PLS III LLC (aka Cedar Bus LLC) to provide intercampus student transportation; and

WHEREAS, the college's initial contract was for 105 days of services for year one at \$271,912 and 115 days for year two and three at \$289,316 per year, making the total contract for three years \$850,544; and

WHEREAS, SUNY Erie now intends to amend the contract to increase year one's services to 136 days at \$350,213 and years two and three's services to 149 days at \$376,184 per year, making the total contract amount for three years \$1,102,581; and

WHEREAS, the contractor is responsible for all labor, services, materials, and appliances required to complete the work without any extra charges; and

WHEREAS, the contractor is required to report the progress of work to the College and maintain a detailed daily log; and

WHEREAS, the SUNY Erie Board of Trustees at their February 16<sup>th</sup> 2023 Board meeting approved to amend the agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC).

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize SUNY Erie to amend the Agreement for Intercampus Student Transportation with PLS III LCC (aka Cedar Bus LLC); and be it further

RESOLVED, that SUNY Erie Officer in Charge is given the authority to modify the Agreement for Intercampus Student Transportation with PLS III LLC (also known as Cedar Bus LLC) by extending the service period to 136 days in the first year at a cost of \$350,213 and to 149 days in the second and third years at a cost of \$376,184 per year. As a result, the total value of the contract for the three-year period would be \$1,102,581; and be it further

RESOLVED, that the Clerk of the Legislature of the County of Erie shall forward certified copies of this resolution to the County Executive of the County of Erie, to the Chairman of the Board of Trustees of SUNY Erie, and to the Officer in Charge of SUNY Erie.  
(5-0)

**JOHN J. GILMOUR**  
**CHAIR**



Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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INTRO. 8-1	MALCZEWSKI	Opposing Federal Government's Change in Loan-Level Price Adjustment Matrix
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Attachments

INTRO. 8-1

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**A Resolution to be Submitted by  
Legislator Malczewski**

**Re: Opposing Federal Government's Change in Loan-Level Price Adjustment Matrix**

WHEREAS, the Federal Government has recently made changes to the Loan-Level Price Adjustment Matrix, resulting in higher mortgage payments for borrowers with good credit scores and lower fees for riskier borrowers; and

WHEREAS, this change will create an unfair and unjust system that punishes responsible borrowers with good credit scores and rewards risky borrowers who pose a greater risk of defaulting on their loans; and

WHEREAS, this change goes against the principles of a fair and just lending system, which should incentivize responsible borrowing behavior and discourage risky behavior; and

WHEREAS, this change will disproportionately affect low- and middle-income borrowers with good credit scores, who may not have the financial resources to absorb the higher mortgage payments resulting from the change; and

WHEREAS, the current economic climate, with economic uncertainty, makes it even more important to protect borrowers from unfair and predatory lending practices;

NOW, THEREFORE, BE IT

RESOLVED, that the legislative body opposes the Federal Government's change in the Loan-Level Price Adjustment Matrix and urges the Federal Government to reverse this decision and work towards creating a fair and just lending system that incentivizes responsible borrowing behavior and protects borrowers from unfair and predatory lending practices; and, be it further

RESOLVED, that copies of this resolution be sent to the President of the United States, the Secretary of the Treasury, Congressman Brian Higgins and Congressman Nick Langworthy, urging them to act to reverse the change in the Loan-Level Price Adjustment Matrix and to support policies that promote fair and just lending practices.

Fiscal Implications: None

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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INTRO. 8-2

GREENE

Opposing SkyWest Airlines' Request for  
Reclassification

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Attachments

INTRO. 8-2

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**A Resolution to be Submitted by  
Legislator Greene**

**Re: Opposing SkyWest Airlines' Request for Reclassification**

WHEREAS, SkyWest Airlines has requested to be reclassified from a "major airline" to a "commuter airline," which would significantly reduce the safety rules that it is subject to; and

WHEREAS, the tragic crash of Flight 3407 on February 12, 2009, which claimed the lives of 50 people, revealed the serious deficiencies in the aviation industry's safety regulations; and

WHEREAS, Flight 3407 was operated by a regional airline, Colgan Air, which had a poor safety record and was known for its low pay and poor working conditions for its pilots; and

WHEREAS, the National Transportation Safety Board (NTSB) investigation into the crash of Flight 3407 found that the pilots were inadequately trained and fatigued, and that the airline's safety culture was severely lacking; and

WHEREAS, the NTSB made numerous recommendations for improving the safety of regional airlines, including enhancing pilot training and qualification requirements, improving fatigue management programs, and enhancing safety culture and oversight; and

WHEREAS, since the crash of Flight 3407 and the subsequent passage of the Airline Safety and Federal Aviation Administration Act of 2010, commercial aviation fatalities have reduced by 99.8%; and

WHEREAS, reclassifying SkyWest Airlines as a commuter airline would weaken the safety regulations that were put in place following the crash of Flight 3407 and would put the lives of passengers and crew at risk; and

WHEREAS, it is the responsibility of the legislature to prioritize the safety of its citizens, including those who travel by air;

NOW, THEREFORE, BE IT

RESOLVED, that the legislature opposes SkyWest Airlines' reclassification request and calls on the Federal Aviation Administration to reject this request in order to maintain the safety regulations that are currently in place for major airlines; and be it further

RESOLVED, that the legislature urges the Federal Aviation Administration to continue to prioritize safety in all aspects of the aviation industry, including regional airlines, in order to prevent future tragedies like the crash of Flight 3407; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Congressman Nick Langworthy, Congressman Brian Higgins and Secretary of the United States Department of Transportation Pete Buttigieg.

Fiscal Implications: None

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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INTRO. 8-3

MALCZEWSKI

Opposing NYS Senate Proposal to Add a  
Surcharge on Ride Sharing Services

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Attachments

INTRO. 8-3

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**A Resolution to be Submitted By  
Legislator Malczewski**

Re: Opposing New York State Senate Proposal to Add a Surcharge on Ride Sharing Services

WHEREAS, ride sharing services have become an increasingly popular and affordable mode of transportation for millions of people in New York State; and

WHEREAS, the New York State Senate has proposed a new surcharge on ride sharing services that would increase the cost of these services for consumers and harm the livelihoods of ride sharing drivers; and

WHEREAS, ride sharing services have already faced significant financial challenges due to the COVID-19 pandemic, with many drivers experiencing decreased demand and reduced earnings; and

WHEREAS, a tax on ride sharing services would unfairly burden low-income and disadvantaged communities who rely on these services for transportation to work, school, and medical appointments; and

WHEREAS, the proposed tax would also undermine efforts to reduce congestion and air pollution by discouraging the use of shared transportation options; and

WHEREAS, increasing the cost of ride sharing services serves as a disincentive for individuals who have consumed excess legal substances, and are therefore impaired, to use such services to return home without jeopardizing the safety of themselves or others; and

WHEREAS, ride sharing users already pay tax on their rides and it has been reported that rides in New York State are already the most expensive in the United States; and

WHEREAS, proposing such an increase in a year when New York State has experienced an \$8.7 billion surplus is greedy, irresponsible and unnecessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes the proposed additional surcharge on ride sharing services in New York State and calls on the State Senate to withdraw this proposal; and be it further

RESOLVED, that the Erie County Legislature supports efforts to promote sustainable transportation options, including ride sharing services, and to ensure that these services remain accessible and affordable for all residents of New York State.

RESOLVED, that copies of this resolution be transmitted to the Governor of New York State, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate, and members of the local New York State Senate and Assembly delegations.

Fiscal Implications: None.

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-18

BASKIN

Appointment of Commissioner of the ECWA

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Attachments

Chair Baskin - Appointment of Commissioner of the ECWA

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# SUSPENSION

## **ERIE COUNTY LEGISLATURE**

**HON. APRIL N.M. BASKIN**  
CHAIR OF THE LEGISLATURE  
2<sup>ND</sup> DISTRICT LEGISLATOR



2495 Main Street, Suite 450  
Buffalo, NY 14214  
**716/895-1849**  
**FAX: 716/895-1910**

92 Franklin St., 4th Fl.  
Buffalo, NY 14202  
**716/858-8869**  
**FAX: 716/858-8895**

April 25, 2023

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

Re: Appointment of Commissioner of the Erie County Water Authority

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8D-1	COUNTY ATTORNEY	Opinion as to Form Local Law Intro No. 1-2 2023
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Attachments

COMM. 8D-1

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# SUSPENSION

April 25, 2023

***Via Email Only***

Hon. April N.M. Baskin, Chairwoman  
Erie County Legislature  
Old Erie County Hall  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Opinion as to Form Local Law Intro No 1-2 2023**

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 1-2 2023 (1-2).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, New York State Real Property Tax Law Section 466-a (RPTL) provides specific authority which permits counties to provide for 10% property tax exemptions for volunteer firefighters and ambulance workers. Since the State Legislature has granted counties this specific authority, 1-2 does not present a preemption issue of concern.

Grammar

The stated purpose of 1-2 is to provide any enrolled member of an incorporated volunteer firefighter or volunteer ambulance company across Erie County a real property tax exemption of up to 10% of assessed value of qualifying real property. We find the grammar and usage of 1-2 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 1-2 does not present any facial ambiguities that would frustrate its implementation and enforcement.

# SUSPENSION

## Conclusion

We find that Local Law Intro. 1-2-2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

By: Gregory P Kammer  
Assistant Erie County Attorney

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8D-2	COUNTY ATTORNEY	Opinion as to Form Local Law Intro No. 4-1 2023
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Attachments

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COMM. 8D-2

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# SUSPENSION

April 25, 2023

***Via Email Only***

Hon. April N.M. Baskin, Chairwoman  
Erie County Legislature  
Old Erie County Hall  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Opinion as to Form Local Law Intro No 4-1 2023**

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 4-1 2023 (4-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, New York State Public Officers Law Section 103-a (POL) provides specific authority which authorizes the governing board of a county to adopt a local law authorizing the use of videoconferencing. Since the State Legislature has granted county governing boards this specific authority, 4-1 does not present a preemption issue of concern.

Grammar

The stated purpose of 4-1 is to give the Erie County Legislature the authority to participate in meetings via videoconference in a manner consistent with POL. We find the grammar and usage of 4-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 4-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

# SUSPENSION

## Conclusion

We find that Local Law Intro. 4-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

By: Gregory P Kammer  
Assistant Erie County Attorney

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-1	COUNTY EXECUTIVE	2022 Year-End Budget Balancing Amendments & Designations
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Attachments

23COMM. 8E-1

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 13, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: 2022 Year-End Budget Balancing Amendments and Designations**  
**IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

The attached resolution addresses various budgetary modifications required to assist in the closing of fiscal year 2022 through the annual Budget Balancing Amendments and designations.

Approval is needed to close the County's books and prepare financial statements for review by the County's independent auditors for the 2022 fiscal year. The amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports.

Included in the resolution is authorization to transfer funds and establish designations to address various departmental and county-wide needs, including cash payment of a portion of Erie County's contractual contribution to a new Buffalo Bills stadium, initiatives to support art and cultural capital needs, increased infrastructure investments, and more. Additionally, as we brace for the possibility of a recession, this resolution would add \$24,370,732 to the County's Unassigned Fund Balance for a 2022 ending balance of \$137,767,019.

Should your Honorable Body require further information, please contact the Division of Budget and Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.

Erie County Executive

MCP/mc

## MEMORANDUM

TO: Erie County Legislature  
FROM: Robert W. Keating, Director of Budget and Management  
RE: 2022 Year-End Budget Balancing Amendments and Designations  
DATE: April 13, 2023

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### **SUMMARY**

The attached resolution authorizes budget balancing amendments that are necessary to close the County's books and prepare financial statements for review by the County's independent auditors at Drescher & Malecki, LLP for the 2022 fiscal year.

### **FISCAL IMPLICATIONS**

The resolution requires no additional funding. Appropriation accounts with available balances are used to transfer budget to accounts where budget has been exceeded. Revenue budget increases are included where appropriate.

After completing budget balancing entries and consideration of various existing 2022 funds reservations for carry-forward into 2023 (detailed in the recommendation section), the County will end 2022 7.2% below budget resulting in a \$96,442,847 surplus. Key positive variations contributing to this year-end surplus include: sales tax receipts (\$48.4M), Medicaid savings (\$12.7M), gross salary & fringe savings (\$24.8M), Social Service operating efficiencies (\$16.5M), delinquent property tax collections (\$10.8M), interest earnings (\$5.8M), etc.

After the establishment of \$72,072,115 in re-appropriations into the 2023 Budget (also detailed in the recommendations section) sought as part of this resolution, \$24,370,732 will be added to the County's Unassigned Fund Balance for a 2022 ending balance of \$137,767,019, which is equivalent to approximately 10% of the 2022 Operating Budget.

Although the Erie County Charter and Code require an Undesignated Fund Balance to be at least 5% of the County's annual operating budget, other municipal financial best practices, including GFOA, suggest as much as 15% be held. With the threat of recession looming, this Administration believes it prudent to increase Unassigned Fund Balance to the 10% level.

Additionally, this resolution makes several designations that will both reduce future bonding and pre-pay remaining bond principal, which, in turn, will lead to approximately \$23.8 million in interest savings over the next several decades. Specifically, the defeasance of the \$9.4 million in remaining old stadium debt will save approximately \$1.5 million in interest, the addition of \$25 million in pay-as-you-go funding for the new stadium construction (now a total of \$125 million) will save approximately \$17.7 million in interest and the conversion of 6 capital projects from bonded to pay-as-you-go will save approximately \$6.6 million in interest.

The 34 new positions noted below will be created as of June 3, 2023 with sufficient funding for the salary and fringe costs for the balance of 2023 covered as part of the \$2,954,739 EMS Ambulance Operations – Start-Up appropriation included in this resolution.

Dept	Title	Status	Unit	JG	Annual Salary	Pro-Rated Salary	#	Total
Health EMS	Director of Ambulance Services	FT	CSEA	13	\$69,622	\$40,381	1	\$ 40,381
Health EMS	Paramedic Program Director	FT	CSEA	13	\$69,622	\$40,381	1	\$ 40,381
Health EMS	Supervising Emergency Medical Technician - Paramedic	FT	CSEA	11	\$60,601	\$35,148	1	\$ 35,148
Health EMS	Emergency Medical Technician - Paramedic II	FT	CSEA	10	\$55,636	\$32,269	5	\$ 161,344
Health EMS	Emergency Medical Technician - Paramedic I	FT	CSEA	9	\$52,399	\$30,392	5	\$ 151,958
Health EMS	Emergency Medical Technician - Paramedic I	PT	CSEA	9	\$24,890	\$14,436	6	\$ 86,616
Health EMS	Advanced Emergency Medical Technician	FT	CSEA	8	\$49,358	\$28,628	4	\$ 114,511
Health EMS	Emergency Medical Technician	RPT	CSEA	7	\$45,383	\$26,322	4	\$ 105,289
Health EMS	Emergency Medical Technician	PT	CSEA	7	\$22,109	\$12,823	4	\$ 51,294
Health EMS	Junior Administrative Assistant	FT	CSEA	7	\$46,546	\$26,997	1	\$ 26,997
Health EMS	Emergency Communication Nurse	FT	NYSNA	11	\$73,572	\$42,672	2	\$ 85,343
						Subtotal Salary		\$ 899,262
						Subtotal Fringe		\$ 411,016
						TOTAL		\$1,310,278

The 3 new jobs and 17 job group upgrades noted below will be created (or upgraded) as of June 3, 2023 with sufficient funding for the salary and fringe for the balance of 2023 included as the \$261,437 Salary Reserve appropriation included in this resolution.

Dept	Title	Status	Unit	JG	Annual Salary	Pro-Rated Salary	#	Total
HSES	Building Guard	FT	AFSCME	6	\$40,955	\$23,754	2	\$ 47,508
Comptroller	Public Affairs Consultant	RPT	MC	16	\$69,370	\$40,235	1	\$ 40,235
DPW B&G	Electrical Engineer	FT	CSEA	13	\$69,622	\$40,381	1	\$ 40,381
						Subtotal Salary		\$128,123
						Subtotal Fringe		\$ 64,062
						TOTAL		\$192,185

Dept	Title	Status	Unit	Old JG	New JG	Average Annual Salary	Average Pro-Rated Salary	#	Net Upgrade Total
HSES	Building Guard	FT	AFSCME	4	6	\$45,174	\$26,201	14	\$ 44,328
HSES	Building Guard - Shift Supervisor	FT	AFSCME	5	7	\$55,389	\$32,126	2	\$ 9,872
HSES	Coordinator of Building Security	FT	CSEA	9	10	\$66,217	\$38,406	1	\$ 2,564
								Subtotal Salary	\$ 56,764
								Subtotal Fringe	\$ 12,488
								TOTAL	\$ 69,252

## **REASONS FOR RECOMMENDATION**

Numerous fiscal issues previously identified during 2022, especially within personal services accounts, require budgetary “clean-up” adjustments. This resolution requests authorization to decrease appropriations where available, in order to increase appropriations that are currently indicating a budget shortfall. The Budget Balancing Amendments are a routine annual action.

The budget adjustments were identified in cooperation with the Erie County Comptroller’s Office and in consultation with departmental accountants based on year-end financial reports. Approval of this resolution will facilitate the year-end closing activity for the Comptroller’s Office and will allow for the timely completion of 2022 financial statements by our independent auditors.

Also included in the resolution is authorization to re-appropriate 2022 funds into 2023. These are all existing items as funds reservations that do not require a transfer of funds to implement and are broken into 3 categories:

First, is \$100,000,000 allocated for pay-as-you-go funding for the new stadium as part of 2021 Budget Balancing and Year End Designations.

Second, is \$41,599,635 directly related to the delayed Intergovernmental Transfer (IGT) Payments to Erie County Medical Center Corporation (ECMCC) which were expected in 2022 but were delayed into 2023 as noted below:

### **Countywide**

2022 Disproportionate Share Hospital (DSH) Payments	\$ 39,013,497
2022 Upper Payment Limit (UPL) Payments	\$ 2,586,138

Third, is \$33,335,460 in standard items duly appropriated in prior years that could not be fully expended in 2022 for a variety of reasons as noted below:

### **Countywide**

Grant Local Share	\$ 3,034,123
2021 Budget Balancing PAYGO Capital - Unexpended	\$ 1,315,000

2022 Budgeted - All Other	\$ 228,000
<b>Environment &amp; Planning</b>	
Storefront Revitalization Program	\$ 8,400,000
Legislature Directed Urban Initiatives Funding	\$ 2,400,000
Legislative Directed RENEW Plan Allocations - Unexpended	\$ 1,749,424
2020-22 Cultural & Community Benefit Funding - Unexpended	\$ 552,466
Poverty Initiative	\$ 400,000
Climate Action "PARIS" Fund	\$ 180,063
<b>Equal Employment Opportunity, Diversity &amp; Inclusion</b>	
2022 Disparity Study - Allocated	\$ 500,000
2022 Disparity Study - Unallocated	\$ 500,000
<b>Health</b>	
Environmental Health Water Safety Program	\$ 225,000
Division of Health Equity ARP Funding - Unexpended	\$ 202,383
Community Health Center of Buffalo	\$ 175,000
Public Health Lab Cooperative Agreement with Monroe County	\$ 130,000
<b>Homeland Security &amp; Emergency Services</b>	
Communication Tower Repairs	\$ 50,000
<b>Law</b>	
Risk Retention	\$ 3,520,262
<b>Legislature</b>	
Lab & Technical Equipment & Furniture - Unallocated	\$ 210,000
<b>Mental Health</b>	
Housing Options Program	\$ 350,000
Website Upgrades for Mental Health/Youth	\$ 100,000
Suboxone Initiative for Jail Management Division	\$ 54,023
Mobile Telephone App Development	\$ 50,000
V3iT Software (Per COMM 18E-26)	\$ 50,000
CCNY (Per COMM. 14E-12)	\$ 43,906
Murals at 120 West Eagle	\$ 2,650
<b>Public Works - Highways</b>	
AURIGO Capital Planning & Cost Management System	\$ 575,000
Municipal Capital Program Management	\$ 380,000
<b>Sheriff's Office</b>	
Radio Upgrade Project	\$ 1,500,000
Warehouse & Office Lease (Per COMM. 14E-20)	\$ 87,519
<b>Social Services</b>	
DSS Workforce Development Action	\$ 4,550,000
DSS Live Well Innovation	\$ 597,537
Training & Education	\$ 470,028
Employment Services	\$ 425,000

Domestic Violence Services	\$ 225,515
Raise the Age	\$ 150,000
Child Abuse Prevention	\$ 82,500
Preventative Services	\$ 8,067

**SUNY Erie Community College**

Unemployment Cost Relief Funds	\$ 861,994
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Authorization is also requested to transfer available balances and utilize unanticipated revenue totaling \$72,072,115 in order to establish funding in 2022 to be designated and re-appropriated as funds reservations into 2023. The requested items cover anticipated 2023 expenditures along with expected future year needs and have been deemed appropriate for 2023 Budgetary needs and in some cases allows the use of federal funding appropriated in 2022 into 2023. The items are as follows:

**Countywide**

New Stadium Pay-As-You-Go	\$ 25,000,000
Existing Stadium Debt Defeasance	\$ 9,421,977
Teamsters Contractual Reserve	\$ 900,000
Salary Reserve	\$ 261,437

**Economic Development**

2023 Storefront Revitalization Program	\$ 5,000,000
Renaissance Commerce Park Capital Fund	\$ 3,800,000
2022 November Storm Damage Fund	\$ 2,000,000
Erie County Healthcare Careers Program	\$ 280,000
Niagara Military Affairs Council	\$ 10,000

**Education and Libraries**

SUNY Erie CSEA & AFSCME Contract Reserve	\$ 3,492,316
Central Library - Evolv Weapons Detectors	\$ 510,976
Central Library - Teen/Kids Space Conversion	\$ 115,000
Buffalo Science Museum Eclipse 2024 Glasses	\$ 100,000
Chromebook Hotspot Lending Program	\$ 70,000
Central Library - Security Needs	\$ 60,000

**General Services**

New Jail & Corrections Center Pre-Construction	\$ 2,500,000
SUNY Erie Master Plan Phase 2 Pay-As-You-Go	\$ 2,500,000
Fed Aid William Street Reconstruction Phase 1 Pay-As-You-Go	\$ 1,628,000
Parks - Emery Maintenance Building Exterior Renovations	\$ 1,100,000
Parks - Winter Groomers	\$ 750,000
Rath Building Improvements Pay-As-You-Go	\$ 750,000
Parks Roads & Parking Lots Pay-As-You-Go	\$ 750,000
Kleinhans Capital Improvements Pay-As-You-Go	\$ 650,000

SUNY Erie North Campus Sports Field Complex Construction	\$ 500,000
Building & Grounds - Work Order System Expansion	\$ 300,000
Trailblazing Women Monument	\$ 250,000
Transit Road Sanitary Study	\$ 125,000
<b>Health and Human Services</b>	
EMS Ambulance Operations – Start-Up	\$ 2,954,739
EMS Ambulance Operations – Building Design & Construction	\$ 1,725,000
Youth Sports AED Kits	\$ 220,000
Civic Ready	\$ 150,000
Save the Michaels	\$ 100,000
211 - Outreach	\$ 100,000
Say Yes Summer Camp	\$ 100,000
Mural for 608 William Street	\$ 50,000
Feed More WNY	\$ 50,000
United Way Emergency Care Kits	\$ 25,000
Cornell Childcare Study	\$ 25,000
<b>Public Safety</b>	
District Attorney Discovery Local Share Grants Reserve	\$ 2,819,402
Probation Discovery Local Share Grants Reserve	\$ 403,268
Winter Storm Rating System	\$ 350,000
Emergency Operations Center Upgrades	\$ 175,000

**CONSEQUENCES OF NEGATIVE ACTION**

If authorization is not granted, the completion of the 2022 financial statements for the County will be delayed. Resources will not be available for projects, programs and other needs for 2023 and future years including the above-noted projects and initiatives.

**STEPS FOLLOWING APPROVAL**

The Division of Budget and Management will process all required budget amendments.

A RESOLUTION SUBMITTED BY:  
DIVISION OF BUDGET AND MANAGEMENT

RE: 2022 Year-End Budget Balancing Amendments and Designations

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2022 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, existing 2022 funding within a variety of departments has been established as fund reservations and designated for re-appropriation into 2023 with no additional transfer required. These include \$100 million for the New Buffalo Bills Stadium, \$41.6 million for delayed Intergovernmental Transfer payments to Erie County Medical Center Corporation and \$33.3 million in duly appropriated items that were not fully expended in 2022; and

WHEREAS, after completing budget balancing entries and consideration of the aforementioned carry-forwards, the County will end 2022 7.2% below budget resulting in a \$96,442,847 surplus; and

WHEREAS, key positive variations contributing to this year-end surplus include: sales tax receipts (\$48.4M), Medicaid savings (\$12.7M), gross salary & fringe savings (\$24.8M), Social Service operating efficiencies (\$16.5M), delinquent property tax collections (\$10.8M), interest earnings (\$5.8M), etc.; and

WHEREAS, after the establishment of \$72 million in re-appropriations are made into the 2023 Budget, \$24,370,732 will be committed to Unassigned Fund Balance for a final 2022 balance of \$137,767,019 or approximately ten (10) percent of the County's 2022 Adopted Operating Budget; and

WHEREAS, although the Erie County Charter and Code require an Undesignated Fund Balance to be at least five (5) percent of the County's annual operating budget, other municipal financial best practices suggest as much as 15 percent; and

WHEREAS, additionally, this resolution makes several designations that will both reduce future bonding and pre-pay remaining bond principal, which, in turn, will lead to approximately \$23.8 million in interest savings over the next several decades; and

WHEREAS, specifically, the defeasance of the \$9.4 million in remaining old stadium debt will save approximately \$1.5 million in interest, the addition of \$25 million in pay-as-you-go funding for the new stadium construction (now a total of \$125 million) will save approximately \$17.7 million in interest and the conversion of 6 capital projects from bonded to pay-as-you-go will save approximately \$6.6 million in interest.



NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2022 Budget in order to facilitate the completion of 2022 financial statements, based on the following schedule:

**2022 Year-End Budget Balancing Amendments**

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year-end spending. In most cases the source of funds was obtained from within the department from where the shortfall occurred.

<b>Department</b>	<b>Account</b>	<b>Increase/ (Decrease)</b>
<b>General Fund 110 - Expense Adjustments</b>		
100	Legislature	
	561410 Lab & Technical Equipment	-200,000
	561420 Office Furn & Fixt	200,000
	<u>Legislature Total</u>	<u>0</u>
105	Information & Support Services	
	500350 Other Employee Pymts	36,375
	515000 Utility Charges	-36,375
	<u>Information &amp; Support Services Total</u>	<u>0</u>
10610	Division of Purchase	
	500000 Full Time - Salaries	11,839
	500350 Other Employee Pymts	11,952
	502000 Fringe Benefits	-23,791
	<u>Division of Purchase Total</u>	<u>0</u>
11510	Sheriff Division	
	500000 Full Time - Salaries	802,915
	500010 Part Time - Wages	-94,132
	500030 Seasonal - Wages	235,901
	500300 Shift Differential	28,930
	500330 Holiday Worked	66,178
	500340 Line-up Pay	19,757
	500350 Other Employee Pymts	185,377
	501000 Overtime	2,725,717

	502000	Fringe Benefits	-196,193
	505600	Auto Tr & Hvy Eq Sup	-20,787
	510100	Out Of Area Travel	-57,019
	510200	Training And Education	-30,350
	515000	Utility Charges	-11,757
	516020	Professional Services Cont & Fees	-32,680
	<u>Sheriff Division Total</u>		<u>3,621,857</u>
116	Jail Management		
	500000	Full Time - Salaries	-1,416,099
	500300	Shift Differential	114,994
	500320	Uniform Allowance	-19,435
	500330	Holiday Worked	91,840
	500340	Line-up Pay	-232,838
	500350	Other Employee Pymts	24,404
	501000	Overtime	3,682,382
	502000	Fringe Benefits	-1,595,607
	505400	Food & Kitchen Supplies	84,693
	<u>Jail Management Total</u>		<u>734,334</u>
11650	Correctional Health Services		
	500000	Full Time - Salaries	-363,025
	500330	Holiday Worked	-17,250
	501000	Overtime	37,490
	502000	Fringe Benefits	-569,462
	505800	Medical & Health Supplies	-141,054
	516020	Professional Services Cont & Fees	31,431
	516050	Dept Payments to ECMCC	994,525
	<u>Correctional Health Total</u>		<u>-27,345</u>
120	Department of Social Services		
	500010	Part Time - Wages	-323,255
	516010	Cnt Pmts-Non Pro Pur	90,000
	516030	Maintenance Contracts	-178,065
	516040	DSS Trng & Edu Pro	106,710
	516400	Title XX Prev&Prot	-155,733
	525040	Family Assistance (FA)	-4,826,179
	525092	Child Care - CCBG	4,706,630
	525130	State Training School	1,595,434
	525160	Indigent Care DSH	-786,922

	530000	Other Expenses	-740,567
	530010	Chargebacks	-458,679
	530030	Pivot Wage Subsidies	-589,552
	545000	Rental Charges	-114,336
	<u>Department of Social Services Total</u>		<u>-1,674,514</u>
12210	DPW Commissioner's Office		
	502000	Fringe Benefits	-40,428
	516020	Professional Services Cont & Fees	575,000
	530000	Other Expenses	-119,679
	<u>DPW Commissioner's Office Total</u>		<u>414,893</u>
12220	DPW Building & Grounds		
	500020	Regular PT - Wages	-20,323
	502000	Fringe Benefits	-584,577
	515000	Utility Charges	-49,548
	575040	Interfund Expense-Utility Fund	315,852
	<u>DPW Building &amp; Grounds Total</u>		<u>-338,596</u>
12410	MH - Program Admin.		
	516050	Dept Payments to ECMCC	-306,334
	516010	Cnt Pmts-Non Pro Pur	-327,831
	517581	Court Ordered-MH Srv	878,574
	502000	Fringe Benefits	-63,695
	<u>MH - Program Admin. Total</u>		<u>180,714</u>
12520	Youth Detention		
	502000	Fringe Benefits	-1,338,464
	516020	Professional Services Cont & Fees	-496,122
	575040	Interfund Expense-Utility Fund	10,298
	<u>Youth Detention Total</u>		<u>-1,824,288</u>
1273030	Environmental Health		
	502000	Fringe Benefits	-75,297
	516050	Dept Payments to ECMCC	75,297
	<u>Environmental Health Total</u>		<u>0</u>
12750	Special Needs		
	516020	Professional Services Cont & Fees	-271,879
	516050	Dept Payments to ECMCC	-276,639

	528000	Svcs Spec Need Child	1,065,428
	<u>Special Needs Total</u>		<u>516,910</u>
1335010	Aid to Local Governments		
	516060	Sales Tax Loc Gov 3 %	31,733,381
	<u>Aid to Local Governments Total</u>		<u>31,733,381</u>
14010	County-wide Acct Budget		
	504990	Reductions Per Srv	1,400,000
	504992	Salary Reserves	-3,875,122
	511000	Control Board Expense	162,227
	516050	Dept Payments to ECMCC	-346,563
	520070	Buffalo Bills Maintenance	29,663
	520072	Working Capital Asst	66,279
	<u>County-wide Acct Budget Total</u>		<u>-2,563,516</u>
14020	Interfund		
	570035	IF Tran-COVID-19 Res	181,160
	570050	InterFund Trans-Cap	5,750,000
	<u>Interfund Total</u>		<u>5,931,160</u>
14030	Community College		
	520020	Co Res Enrl Comm Col	-65,754
	<u>Community College Total</u>		<u>-65,754</u>
150	Board of Elections		
	500000	Full Time - Salaries	-169,609
	500010	Part Time - Wages	-365,398
	500020	Regular PT - Wages	-248,441
	501000	Overtime	-107,761
	502000	Fringe Benefits	-628,578
	516020	Professional Services Cont & Fees	-448,736
	530000	Other Expenses	-509,546
	<u>Board of Elections Total</u>		<u>-2,478,069</u>
16010	Law Division		
	502000	Fringe Benefits	-264,287
	516020	Professional Services Cont & Fees	-119,555
	<u>Law Division Total</u>		<u>-383,842</u>

16110	Personnel		
		502000	Fringe Benefits -164,252
		516020	Professional Services Cont & Fees -73,198
	<b>Personnel Total</b>		<b>-237,450</b>
16200	Env.& Planning Divn.		
		502000	Fringe Benefits -70,742
		516020	Professional Services Cont & Fees -402,881
	<b>Env.&amp; Planning Divn. Total</b>		<b>-473,623</b>
16410	Parks Department		
		502000	Fringe Benefits -228,899
		515000	Utility Charges 42,415
		575040	Interfund Expense-Utility Fund 19,567
	<b>Parks Department Total</b>		<b>-166,917</b>
16500	Central Police Services		
		500000	Full Time - Salaries -58,977
		502000	Fringe Benefits -162,618
	<b>Central Police Services Total</b>		<b>-221,595</b>
16700	Homeland Security & Emergency Services		
		500000	Full Time - Salaries -23,855
		559000	County Share - Grants 23,855
	<b>Homeland Security &amp; Emergency Services Total</b>		<b>0</b>
500	ECMC		
		502000	Fringe Benefits -232,949
	<b>ECMC Total</b>		<b>-232,949</b>
510	EC Home		
		502000	Fringe Benefits -194,500
	<b>EC Home Total</b>		<b>-194,500</b>
	<b>Total General Fund 110 Expense Adjustments</b>		<b>32,250,291</b>

### General Fund 110 - Revenue Adjustments

12750	Special Needs		
		405570	ME 50% Fed Presch 516,910

	Special Needs Total		516,910
14010	County-wide Acct Budget		
	402140	Sales Tax to Local Gov	31,733,381
	405500	SA-Spec Need Presch	
	409050	State Aid Revenue Offset	
	County-wide Acct Budget Total		31,733,381
	Total General Fund 110 Revenue Adjustments		32,250,291
	Net General Fund 110 Adjustments		0

**Highway Fund 210 - Expense Adjustments**

123	Highways (DPW)		
	501000	Overtime	60,048
	502000	Fringe Benefits	-159,576
	505600	Auto Tr & Hvy Eq Sup	34,788
	506200	Maintenance & Repair	64,740
	Highways (DPW) Total		0

**E-911 Fund 230 -Expense Adjustments**

11510	Sheriff Division		
	500000	Full Time - Salaries	17,887
	502000	Fringe Benefits	-17,887
	Sheriff Division Total		0
12720	Emergency Medical Services		
	501000	Overtime	76,238
	502000	Fringe Benefits	-76,238
	Emergency Medical Services Total		0
	Total E-911 Fund 230 Expense Adjustments		0

**Debt Service Fund 310 - Adjustments**

17200	General Debt Expense		
	550000	Principal - Bonds	
	550010	Principal - Long Term Loan	5,085,000

550110	Bond Issue Costs	196,640
550800	Interest - Bonds	
550810	Interest-Long Term Loan	6,624,050
<u>General Debt Expense Total</u>		<u>11,905,690</u>

Revenue		
445070	Premium on Obligations	208,828
445180	Interest-Long Term Loan	4,721,495
466350	Principal-Long Term Loan	6,975,367
486010	Resid Equity Tran-In	
<u>General Debt Revenue Total</u>		<u>11,905,690</u>

<u>Net General Debt Adjustments</u>		<u>0</u>
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17300	Debt Srv SD 1,4 & 5 Expense	
	550000 Principal - Bonds	30,427
	550800 Interest - Bonds	20,223
<u>Debt Service SD 1,4 &amp; 5 Expense Total</u>		<u>50,650</u>

Revenue		
475090	NYSEFC Bond Subsidy Income	50,650
<u>Debt Service SD 1,4 &amp; 5 Revenue Total</u>		<u>50,650</u>

<u>Net Debt Service SD 1,4 &amp; 5 Adjustments</u>		<u>0</u>
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17400	Debt Srv SD 2 Expense	
	550000 Principal - Bonds	5,044
<u>Debt Service SD 2 Expense Total</u>		<u>5,044</u>

Revenue		
475090	NYSEFC Bond Subsidy Income	5,044
<u>Debt Service SD 2 Revenue Total</u>		<u>5,044</u>

<u>Net Debt Service SD 2 Adjustments</u>		<u>0</u>
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17500	Debt Srv SD 3/Southtowns	
	550800 Interest - Bonds	5,918
<u>Debt Service SD 3/Southtowns Expense Total</u>		<u>5,918</u>

Revenue			
	475090	NYSEFC Bond Subsidy Income	5,918
Debt Service SD 3/Southtowns Revenue Total			5,918
Net Debt Service SD 3/Southtowns Adjustments			0
17600	Debt Svc - SD 6 Expense		
	550000	Principal - Bonds	14,966
	550800	Interest - Bonds	(9,322)
Debt Service SD 6 Expense Total			5,644
Revenue			
	475090	NYSEFC Bond Subsidy Income	5,644
Debt Service SD 6 Revenue Total			5,644
Net Debt Service SD 6 Adjustments			0

; and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$100,000,000 in available 2022 funding established as fund reservations into 2023 for pay-as-you-go funding for the New Buffalo Bills Stadium, no transfer is required; and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$41,599,635 in available 2022 funding established as fund reservations into 2023 for the following items directly related to the delayed Intergovernmental Transfer (IGT) Payments to Erie County Medical Center Corporation (ECMCC), no transfer is required:

**Countywide**

2022 Disproportionate Share Hospital (DSH) Payments	\$ 39,013,497
2022 Upper Payment Limit (UPL) Payments	\$ 2,586,138

; and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$33,335,460 in available 2022 funding established as fund reservations into 2023 for the following items, no transfer is required:

**Countywide**

Grant Local Share	\$ 3,034,123
2021 Budget Balancing PAYGO Capital - Unexpended	\$ 1,315,000



2022 Budgeted - All Other	\$ 228,000
<b>Environment &amp; Planning</b>	
Storefront Revitalization Program	\$ 8,400,000
Legislature Directed Urban Initiatives Funding	\$ 2,400,000
Legislative Directed RENEW Plan Allocations - Unexpended	\$ 1,749,424
2020-22 Cultural & Community Benefit Funding - Unexpended	\$ 552,466
Poverty Initiative	\$ 400,000
Climate Action "PARIS" Fund	\$ 180,063
<b>Equal Employment Opportunity, Diversity &amp; Inclusion</b>	
2022 Disparity Study - Allocated	\$ 500,000
2022 Disparity Study - Unallocated	\$ 500,000
<b>Health</b>	
Environmental Health Water Safety Program	\$ 225,000
Division of Health Equity ARP Funding - Unexpended	\$ 202,383
Community Health Center of Buffalo	\$ 175,000
Public Health Lab Cooperative Agreement with Monroe County	\$ 130,000
<b>Homeland Security &amp; Emergency Services</b>	
Communication Tower Repairs	\$ 50,000
<b>Law</b>	
Risk Retention	\$ 3,520,262
<b>Legislature</b>	
Lab & Technical Equipment & Furniture - Unallocated	\$ 210,000
<b>Mental Health</b>	
Housing Options Program	\$ 350,000
Website Upgrades for Mental Health/Youth	\$ 100,000
Suboxone Initiative for Jail Management Division	\$ 54,023
Mobile Telephone App Development	\$ 50,000
V3iT Software (Per COMM 18E-26)	\$ 50,000
CCNY (Per COMM. 14E-12)	\$ 43,906
Murals at 120 West Eagle	\$ 2,650
<b>Public Works - Highways</b>	
AURIGO Capital Planning & Cost Management System	\$ 575,000
Municipal Capital Program Management	\$ 380,000
<b>Sheriff's Office</b>	
Radio Upgrade Project	\$ 1,500,000
Warehouse & Office Lease (Per COMM. 14E-20)	\$ 87,519
<b>Social Services</b>	
DSS Workforce Development Action	\$ 4,550,000
DSS Live Well Innovation	\$ 597,537
Training & Education	\$ 470,028
Employment Services	\$ 425,000

Domestic Violence Services	\$ 225,515
Raise the Age	\$ 150,000
Child Abuse Prevention	\$ 82,500
Preventative Services	\$ 8,067
<b>SUNY Erie Community College</b>	
Unemployment Cost Relief Funds	\$ 861,994

; and be it further

RESOLVED, that authorization is hereby given to transfer \$4,679,739 in available 2022 funding for additional designations and establish re-appropriations into 2023 as follows:

**Health and Human Services**

EMS Ambulance Operations - Start-Up	\$ 2,954,739
EMS Ambulance Operations - Building Design & Construction	\$ 1,725,000

; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to amend the Department of Health's Division of Emergency Medical Services (EMS) 2023 Budget (Fund 110, Funds Center 12720) in the amount of \$2,954,739 for EMS Ambulance Operations start-up as necessary; and be it further

RESOLVED, that authorization is hereby given to create the following positions within EMS as of June 3, 2023, of which sufficient funding is available in EMS's 2023 Budget as included in the "EMS Ambulance Operations – Start-Up" appropriation above:

Department	Title	Status	Unit	JG	#	B100 #
Health EMS	Director of Ambulance Services	FT	CSEA	13	1	13634
Health EMS	Paramedic Program Director	FT	CSEA	13	1	13635
Health EMS	Supervising Emergency Medical Technician - Paramedic	FT	CSEA	11	1	13636
Health EMS	Emergency Medical Technician - Paramedic II	FT	CSEA	10	5	13637
Health EMS	Emergency Medical Technician - Paramedic I	FT	CSEA	9	5	13638
Health EMS	Emergency Medical Technician - Paramedic I	PT	CSEA	9	6	13639
Health EMS	Advanced Emergency Medical Technician	FT	CSEA	8	4	13640
Health EMS	Emergency Medical Technician	RPT	CSEA	7	4	13684
Health EMS	Emergency Medical Technician	PT	CSEA	7	4	13732
Health EMS	Junior Administrative Assistant	FT	CSEA	7	1	13731
Health EMS	Emergency Communication Nurse	FT	NYSNA	11	2	13733

; and be it further

RESOLVED, that authorization is hereby given to transfer \$261,437 in available 2022 funding for additional designations and establish re-appropriations into 2023 as follows:

**Countywide**

Salary Reserve \$ 261,437

; and be it further

RESOLVED, that authorization is hereby given to create the following positions as of June 3, 2023, of which sufficient funding is available in the 2023 Budget as included in the "Salary Reserve" appropriation above:

Department	Title	Status	Unit	JG	#	B100 #
HSES	Building Guard	FT	AFSCME	6	2	13676
Comptroller	Public Affairs Consultant	RPT	MC	16	1	13722
DPW B&G	Electrical Engineer	FT	CSEA	13	1	13646

; and be it further

RESOLVED, that authorization is hereby given to upgrade the following positions as of June 3, 2023, of which sufficient funding is available in the 2023 Budget as included in the "Salary Reserve" appropriation above:

Department	Title	Status	Unit	Old JG	New JG	#	B100 #
HSES	Building Guard	FT	AFSCME	4	6	14	13674
HSES	Building Guard - Shift Supervisor	FT	AFSCME	5	7	2	13675
HSES	Coordinator of Building Security	FT	CSEA	9	10	1	13741

; and be it further

RESOLVED, that authorization hereby given to transfer \$67,130,939 in available 2022 funding for additional designations and establish re-appropriations into 2023 as follows:

**Countywide**

New Stadium Pay-As-You-Go \$ 25,000,000  
Existing Stadium Debt Defeasance \$ 9,421,977  
Teamsters Contractual Reserve \$ 900,000

**Economic Development**

2023 Storefront Revitalization Program \$ 5,000,000

Renaissance Commerce Park Capital Fund	\$ 3,800,000
2022 November Storm Damage Fund	\$ 2,000,000
Erie County Healthcare Careers Program	\$ 280,000
Niagara Military Affairs Council	\$ 10,000
<b>Education and Libraries</b>	
SUNY Erie CSEA & AFSCME Contract Reserve	\$ 3,492,316
Central Library - Evolv Weapons Detectors	\$ 510,976
Central Library - Teen/Kids Space Conversion	\$ 115,000
Buffalo Science Museum Eclipse 2024 Glasses	\$ 100,000
Chromebook Hotspot Lending Program	\$ 70,000
Central Library - Security Needs	\$ 60,000
<b>General Services</b>	
New Jail & Corrections Center Pre-Construction	\$ 2,500,000
SUNY Erie Master Plan Phase 2 Pay-As-You-Go	\$ 2,500,000
Fed Aid William Street Reconstruction Phase 1 Pay-As-You-Go	\$ 1,628,000
Parks - Emery Maintenance Building Exterior Renovations	\$ 1,100,000
Parks - Winter Groomers	\$ 750,000
Rath Building Improvements Pay-As-You-Go	\$ 750,000
Parks Roads & Parking Lots Pay-As-You-Go	\$ 750,000
Kleinhans Capital Improvements Pay-As-You-Go	\$ 650,000
SUNY Erie North Campus Sports Field Complex Construction	\$ 500,000
Building & Grounds - Work Order System Expansion	\$ 300,000
Trailblazing Women Monument	\$ 250,000
Transit Road Sanitary Study	\$ 125,000
<b>Health and Human Services</b>	
Youth Sports AED Kits	\$ 220,000
Civic Ready	\$ 150,000
Save the Michaels	\$ 100,000
211 - Outreach	\$ 100,000
Say Yes Summer Camp	\$ 100,000
Mural for 608 William Street	\$ 50,000
Feed More WNY	\$ 50,000
United Way Emergency Care Kits	\$ 25,000
Cornell Childcare Study	\$ 25,000
<b>Public Safety</b>	
District Attorney Discovery Local Share Grants Reserve	\$ 2,819,402
Probation Discovery Local Share Grants Reserve	\$ 403,268
Winter Storm Rating System	\$ 350,000
Emergency Operations Center Upgrades	\$ 175,000

; and be it further

RESOLVED, that authorization is hereby give to make the following 2022 budget adjustments in order to establish funding for the re-appropriations into 2023 as outlined in the preceding resolve clauses:

<b>Department</b>	<b>Account</b>	<b>Increase/ (Decrease)</b>
<b>Designations</b>		
<b>General Fund 110 - Expense Adjustments</b>		
10110	County Executive's Office	
	516020 Professional Services Cont & Fees	420,000
	561410 Lab & Technical Equipment	70,000
	<u>County Executive's Office Total</u>	<u>490,000</u>
11400	District Attorney's Office	
	559000 County Share - Grants	2,819,402
	<u>District Attorney's Office Total</u>	<u>2,819,402</u>
120	Department of Social Services	
	516020 Professional Services Cont & Fees	250,000
	<u>Department of Social Services Total</u>	<u>250,000</u>
12210	DPW Commissioner's Office	
	516020 Professional Services Cont & Fees	300,000
	<u>DPW Commissioner's Office Total</u>	<u>300,000</u>
12610	Probation	
	559000 County Share - Grants	403,268
	<u>Probation Total</u>	<u>403,268</u>
12700	Health Division	
	516020 Pro Ser Cnt and Fees	50,000
	<u>Health Division Total</u>	<u>50,000</u>
12720	Emergency Medical Services	
	516045 Program Start-Up Costs	2,954,739
	570050 InterFund Trans-Cap	1,725,000
	<u>Emergency Medical Services Total</u>	<u>4,679,739</u>

1331010	Economic Development		
		WIB Health Professions	
	518700	Opportunity	280,000
	Economic Development Total		280,000
1332010	Community/Neighborhood Development		
		Storefront Community	
	516340	Revitalization	5,000,000
	517780	Save the Michaels of the World	100,000
	518053	Niag Mil Affairs Council	10,000
	Community/Neighborhood Development Total		5,110,000
1333020	Cultural Agencies		
	518064	Buffalo Society Natural Sciences	100,000
	Cultural Agencies Total		100,000
14010	County-wide Acct Budget		
	504992	Full Time - Salaries	261,437
	504998	Net Impact Teamsters	900,000
	516020	Pro Ser Cnt and Fees	4,500,000
	570000	Interfund Transfers Subsidy	125,000
	570050	InterFund Trans-Cap	25,000,000
	County-wide Acct Budget Total		30,786,437
14020	Interfund		
	570028	Interfund County Share Library	685,976
	570040	Interfund Subsidy-Debt Service	9,421,977
	570050	InterFund Trans-Cap	12,103,000
	Interfund Total		22,210,953
14030	Community College		
	575000	Interfnd Exp Non-Sub	3,492,316
	Community College Total		3,492,316
16410	Parks Department		
	561430	Building, Grounds & Heavy Eqmt	750,000
	Parks Department Total		750,000
16700	Homeland Security & Emergency Services		
	516020	Pro Ser Cnt and Fees	350,000

Homeland Security & Emergency Services Total	350,000
Total Designations Expense	72,072,115

**Designations**  
**General Fund 110 - Revenue Adjustments**

11400	District Attorney's Office		
	409010	State Aid - Other	2,819,402
	District Attorney's Office Total		2,819,402
120	Department of Social Services		
	414030	FMAP Revenue	640,002
	466070	Refunds P/Y Expenses	8,160,473
	Department of Social Services Total		8,800,000
12610	Probation		
	409010	State Aid - Other	403,268
	Probation Total		403,268
14010	County-wide Acct Budget		
	400050	Int&Pen on R P Taxes	1,771,163
	402000	Sales Tax EC Purp	16,513,962
	402100	1% Sales Tax-EC Purp	17,686,163
	402120	.25% Sales Tax	4,313,612
	402130	.5% Sales Tax	8,860,054
	402500	OTB Betting & Gaming	1,474,060
	402520	Gaming Facilities Aid	3,652,018
	County-wide Acct Budget Total		54,271,032
17000	Countywide Accounts - Comptroller		
	445030	Int & Earn - Gen Inv	4,769,527
	445040	Int & Earn-3rd Party	1,008,411
	Countywide Accounts - Comptroller Total		5,777,938
	Total Designations Revenue		72,072,115
	Designations Net Impact		0

; and be it further

RESOLVED, that authorization is hereby given for the County Executive enter into contract with Bergmann and Associates to providing consulting services to assist the Department of Public Works with the continued implementation of the Cartegraph software system for GIS building inventory and a work order system for an amount not to exceed the \$300,000 “Highways – Work Order System Expansion” appropriation authorized above, with purchasing authority provided under the New York State Office of General Services; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any additional 2022 and 2023 budgetary adjustments necessary to implement budgetary amendments, carry-forwards and the establishment of re-appropriations authorized in this resolution; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any further 2022 Budget adjustments that may be required based on inter-departmental budget balancing or adjusting entries identified by the Erie County Comptroller or the County’s independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that none of the aforesaid budget transfer items shall be deemed to approve, fund, or permit the physical alteration of the environment for any specific action or project identified above until the applicable environmental review(s) for the specific action or project is completed in accordance with the applicable laws, including but not limited to the New York State Environmental Quality Review Act (Art 8 of New York State Environmental Conservation Law); and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive’s Office, the Comptroller’s Office, the Department of Law, and the Division of Budget and Management.



Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-2

COMPTROLLER

Comptroller Analysis of 2022 Budget  
Balancing Amendments & Designations

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Attachments

COMM. 8E-2

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EC LEG APR 19 '23 PM 4:37

# ERIE COUNTY COMPTROLLER

## KEVIN R. HARDWICK

April 19, 2023

Honorable Members  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: 2022 Budget Balancing Amendments**

Dear Honorable Members:

On April 13, 2023, the County Executive sent your Honorable Body the 2022 Budget Balancing Amendments. In that package, the administration proposes to allocate and spend \$72 million of the \$96.4 million unaudited 2022 positive variance in 2023 as new spending.

While there appear to be many laudable individual spending requests in the package, the magnitude of the spending requires analysis and careful consideration. Wherever possible, we should be taking steps to add to our unassigned fund balance and to plan for the possibility that a recession may occur in the near future as some economists predict. Through February 2023, while our sales tax revenue is higher than budgeted, at a gross level, receipts are down compared to the same period in 2022. I hope that this is not the beginning of a trend, but adding to our unassigned fund balance would also position the county more favorably for future borrowing as well.

New York State is facing large out-year deficits in their multi year financial plan, and we all know that when the State experiences fiscal distress, they transfer financial obligations onto local governments. For instance, as you know, the proposed 2023-2024 State Budget retains Enhanced Federal Medical Assistance Percentage (eFMAP) assistance from counties. If that proposal remains in the adopted state budget, this will shift new liability onto the County which totals tens of millions of dollars annually.

The technical components of the 2022 Budget Balancing Amendments necessary to close out the 2022 fiscal year indicate significant negative variances in some key cost centers that are worrying from a management and financial standpoint. This includes the Sheriff's Office overspending its 2022 budget for the Police Services Division by \$1.2 million on salaries and wages and another \$2.7 million on overtime. Additionally, there was net overspending on the overtime budget in the Jail Management Division by \$2.2 million. In the Department of Social Services, as was warned in every Budget Monitoring Report issued in 2022, the County had a large negative variance in the Child Care account (\$4.7 million) and a negative variance in the State Training School Account (\$1.6 million).

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COMM. 8E-2  
Page 1 of 4

## **Notable New Proposed Spending in 2023 Using 2022 Positive Variance Funds**

Given all this uncertainty, I would caution against using so much of the current surplus on so many big-ticket projects. I will focus on the three that have received the most attention.

### **Buffalo Bills Stadium**

Some members of your Honorable Body have requested that the administration appropriate an additional \$25 million in cash to create a \$125 million pay-as-you-go cash contribution to the new Buffalo Bills Stadium. As such, for the County's \$250 million share of the costs of the new stadium, we would use \$125 million of assigned fund balance and only bond \$125 million. Despite rising interest rates and future debt service costs, given that the stadium bonds will assuredly be thirty-year bonds, I would prefer that we retain more cash in unassigned fund balance and prepare for the future 'rainy day'. My office has already met with multiple underwriters, in advance of this borrowing and the future General Obligation Bond sale, all of whom advise that using less cash would be advantageous to the County's financial position overall.

### **Ambulance Service**

The administration proposes creating a new ambulance service to be run by thirty-four new employees with five ambulances at an initial cost of \$2.95 million (for seven months in 2023), and an additional \$1.725 million for building design and construction. It is not clear how much of the \$2.95 million is for salaries and fringe benefits and how much is for the purchase of ambulances, medical equipment, temporary office space, etc. for the new unit. In an interview with a media outlet, Deputy Commissioner-EMS Gregory Gill said that it would cost \$1 million to purchase and equip the ambulances and \$2 million to build a new southtowns dispatch/service center for the new service. It is also not clear how much it would cost on an annualized basis, before and after revenues were accounted for, to administer such a service or to build it out.

While my office is in no position to question the emergency services need for a new ambulance service serving southern Erie County, I was struck by comments from a Twin City Ambulance executive on WBEN-AM radio who questioned the County's creation of the service, rather than working with a private sector company to facilitate more coverage and services. Does the County really need to start this service, or could we work with the existing private sector ambulance companies serving Erie County and develop ways to extend services, provide additional EMS or paramedic training, and incentivize people to enter this career field? The creation of such a service – which the County has never had before – will create new ongoing and recurring legacy costs, expense, and liability which is not in our Four Year Financial Plan. Among other questions – will the County start billing private insurers and Medicare and Medicaid for transport? When the County's Department of Health last proposed creating a County ambulance service in 2020, it was stopped due to a myriad of issues and concerns.

### **Funding for "Pre-Construction" for a New Holding Center and Correctional Facility**

This proposal may be the most concerning. At a time when the number of incarcerated persons in the Sheriff's custody is near its lowest in years, with both facilities reportedly at only 50% capacity, it is curious that such a proposal is being made now.

Keep in mind that in June 2020, amidst the COVID pandemic, and after the deficit reduction plan was adopted by your Honorable Body, the County Executive and Sheriff's Office each communicated that they were working on a plan to "close" the Holding Center. Under that proposal, the previous Sheriff planned to transfer prisoners and staff to the Correctional Facility, leaving only a few prisoners and staff downtown for those detainees awaiting processing or an imminent court appearance. The Holding Center was said to be repurposed for offering soon-to-be-discharged prisoners transitional services, expanded mental health services and office space for non-profit agencies working on stopping recidivism. The Sheriff's Office boasted that the plan would save \$10 million per year. For some reason, however, nothing happened and nothing more was said after October 2020.

In November 2020, the Partnership for the Public Good issued a policy brief concerning the costs of the Sheriff's Jail Management Division and the possibility of a closure and consolidation of the two facilities in Alden. That report estimated annual savings of closing the Holding Center and moving its services to the Correctional Facility at \$26 million just in salaries. Whether their analysis was accurate or not, it raised legitimate questions and concerns.

In January 2023, the Sheriff floated and advocated for building a new facility in an article in the Buffalo News, followed by an opinion column on April 11, 2023. On April 12<sup>th</sup>, the County Executive announced he would allocate \$2.5 million for site acquisition, engineering, and architectural work to potentially build a new facility in Buffalo.

No one disputes that the Holding Center, with its 84-year-old original linear cellblock and the newer addition are challenging and difficult to maintain due to the aging nature and composition of the facility and its cellblocks. A modern facility could allow for improved security and conditions for staff and prisoners alike. Moving Holding Center detainees to be housed at the Correctional Facility presents transportation costs and issues for securely transporting detainees between court appearances downtown and at the Alden facility as well as concerns over a lack of NFTA service to Alden.

However, the cost to build a new facility would be considerable. The costs associated with the Sheriff's Division of Jail Management and the Division of Correctional Health have risen dramatically since 2020. In 2020, spending totaled \$96,326,260. That rose to \$98,786,916 for 2021, \$108,781,817, and to \$112,664,854 for 2023 (budgeted). In theory, a new modern facility could lead to less staff needed to maintain and secure the site. However, past claims by the previous Sheriff's Office of cost savings from a multitude of efficiency proposals have never been borne out in quantifiable reduced costs and despite dramatically lower prisoner counts, the costs to the County for the Jail Management environment keep rising significantly.

In media articles concerning the issue, the Sheriff has stated a new joint facility could cost \$200 million to build and the County Executive has stated more than \$100 million. Whatever the final cost estimate, it would be significant at a time when we will be taking on a new \$125 million bond for the Buffalo Bills stadium and preparing to assume a new \$100 million bond expense for the County's Division of Sewerage Management. There would also be costs and consequences for dealing with the existing facilities and how to manage the land, demolition, and environmental issues of the existing Holding Center, 120 and 134 West Eagle, and the Correctional Facility. Keep in mind that the County has been trying for a decade, without success, to address and sell the former Erie County Home property in Alden – across the street from the Correctional Facility.

Whatever your views on the issue of bail reform, it is indisputable that given the reduced head count of prisoners in custody since 2019, both facilities and their staffing matrix are oversized and costly. Despite fewer prisoners, the Sheriff's costs and staffing keeps rising. Therefore, a review of the possibility of consolidating at the newer Correctional Facility may be warranted, rather than a new facility downtown.

Finally, it is worth noting that the Sheriff, has stated that they desire to build the new facility at the current site of the closed Buffalo Grand Hotel. That property currently has tax warrants filed by this office for the owner's failure to remit collected hotel occupancy taxes and returns, but it is also a major source of needed rooms for the local hospitality market. Its loss as a hotel would lead to not only implications for the convention and tourism industry locally (as the head of Visit Buffalo Niagara recently noted), but also for the loss of property, sales and hotel occupancy taxes for the city and county.

### **Conclusion**

The Budget Balancing Amendments reflect that Erie County government had a very positive 2022 fiscal year. We may have set a record for the largest year-end positive variance ("surplus") ever. The administration should be commended for their efforts. But troubling fiscal trends are on the horizon, and we need to be mindful and prepared.

Sincerely,



Kevin R. Hardwick, Ph.D.  
Erie County Comptroller

cc: Erie County Executive Mark C. Poloncarz, Esq.  
Robert W. Keating, Director of Budget and Management  
Erie County Fiscal Stability Authority

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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COMM. 8E-3

SHERIFF

Chaplain Agreements for Holding Center &  
Correctional Facility

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**Attachments**

COMM. 8E-3

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**ADMINISTRATIVE OFFICES**  
10 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202-3913  
(716) 858-7618  
FAX: (716) 858-7882  
WEBSITE: <http://www.erie.gov/sheriff>

**JOHN C. GARCIA**  
SHERIFF  
**WILLIAM J. COOLEY**  
UNDERSHERIFF



## SHERIFF OF ERIE COUNTY

April 19, 2023

The Honorable  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

**Re: Chaplain Agreements for Holding Center and Correctional Facility**

Dear Honorable Members:

The attached resolution requests authorization for the County Executive and the Erie County Sheriff to enter into an agreement with two individuals to provide religious and spiritual counseling at the Erie County Holding Center and the Erie County Correctional Facility.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

A handwritten signature in black ink that reads 'John C. Garcia'. The signature is written in a cursive style.

John C. Garcia  
Sheriff of Erie County

Attachments

## ACCOMPANYING MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Sheriff's Office  
**Re:** Chaplain Agreements for Holding Center and Correctional Facility  
**Date:** April 19, 2023

### Summary of Recommended Action

The Erie County Sheriff's Office seeks authorization to enter into agreements with individuals to provide religious services and spiritual counseling for incarcerated individuals at the holding center and the correctional facility.

### Fiscal Implications of the Proposal

The individuals will receive \$50.00 per week, and the contracts will be paid from account 516020 – Professional Services and Fees.

This resolution will not affect the 2023 operational budget.

### Reasons for Recommendation

The Sheriff's Office seeks to provide various religious and spiritual services as well as counseling for the incarcerated population.

The Jail Management Division, in the past, has entered into agreements with religious leaders of different faiths to provide these services.

The Sheriff's Office will enter into separate three-year agreements with Chaplain Frederick Gelsey and Chaplain Kenneth Simmons. The chaplains shall be compensated \$50.00 per week.

### Consequences of Negative Action

Failure to approve this resolution will prevent the Erie County Sheriff's Office from providing spiritual counseling and religious services to the incarcerated population.

### Steps Following Approval of Measure

Certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Budget and Management, the Erie County Comptroller's Office, and the Sheriff's Office Chief of Administration for implementation.



A RESOLUTION SUBMITTED BY:  
ERIE COUNTY SHERIFF'S OFFICE

Re: Chaplain Agreements for Holding Center and Correctional Facility

WHEREAS, the Erie County Sheriff's Office maintains a chaplain unit to provide religious services and spiritual counseling to the incarcerated population at the Erie County Holding Center and the Erie County Correctional Facility inmates; and

WHEREAS, the Sheriff's Office will enter into separate three-year agreements with Chaplain Frederick Gelsey and Chaplain Kenneth Simmons; and

WHEREAS, the chaplains shall be compensated \$50.00 per week; and

WHEREAS, the contracts will be paid from account 516020 – Professional Services and Fees and will not affect the 2023 operational budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Erie County Executive to enter into a three-year contract with Frederick Gelsey, 217 Northampton Street, Buffalo, New York 14208, at a rate of \$50.00 per week for religious and spiritual services; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Erie County Executive to enter into a three-year contract with Kenneth Simmons, 60 Stewart Avenue, Buffalo, New York 14211, at a rate of \$50.00 per week for religious and spiritual services; and be it further

RESOLVED, the contracts will be paid from account 516020 – Professional Services and Fees and will not affect the 2023 operational budget; and

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Budget and Management, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

FISCAL IMPACT: as indicated

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-4

MEYERS

Letter Concerning Absence for Session No. 8

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Attachments

COMM. 8E-4

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**ERIE COUNTY LEGISLATURE**

**HON. TIMOTHY MEYERS**

**MAJORITY LEADER  
7TH DISTRICT LEGISLATOR**



92 Franklin St., 4th Fl.  
Buffalo, NY 14202  
**716/858-7500**  
**FAX: 716/858-8895**

April 21, 2023

Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, NY 14202

Dear Clerk Graber,

This letter is to explain my absence from the April 27, 2023 Legislature Session #9. Due to recovery from recent surgery, I will be unable to attend the meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Meyers". The signature is written in a cursive style.

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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COMM. 8E-5	COUNTY EXECUTIVE	ECSD Nos. 1 & 3 - Various Sanitary Sewer Replacements
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**Attachments**

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COMM. 8E-5

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EC LEG APR 21 '23 PM 4:11

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Erie County Sewer District Nos. 1 & 3  
Various Sanitary Sewer Replacements  
Bid Opening – Contract No. 89**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District Nos. 1 & 3 Contract No. 89 Various Sanitary Sewer Replacements Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP: nw

cc: J. Fiegl – Division of Sewerage Management

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Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-6	COUNTY EXECUTIVE	ECSD No. 3 - National Fuel Gas Distribution Corporation
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Attachments

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COMM. 8E-6

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 3  
National Fuel Gas Distribution Corporation  
Right of Way and Gas Line Relocation Agreements – Southtowns AWTF**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to entering into agreements with National Fuel Gas Distribution Corporation.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

cc: J. Fiegl, Division of Sewerage Management

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 3  
National Fuel Gas Distribution Corporation  
Right of Way and Gas Line Relocation Agreements – Southtowns AWTF  
**Date:** April 21, 2023

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### **SUMMARY**

Approval to enter into gas line relocation and right of way agreements with National Fuel Gas Distribution Corporation (National Fuel) is requested.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The cost of the gas line relocation work related to this communication would be included in the larger construction contract for Phase 1 of the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project in Erie County Sewer District (ECSD) No. 3. The General Contractor will make the payment to National Fuel.

### **REASONS FOR RECOMMENDATION**

To allow construction to proceed on key components of Phase 1 of the Southtowns AWTF Expansion Project, National Fuel's existing 2-inch diameter gas line needs to be moved. Gas line relocation and right of way agreements are required to allow that to occur.

### **BACKGROUND INFORMATION**

The Division of Sewerage Management anticipates advertising for bids for Phase 1 of the Southtowns AWTF Expansion Project in 2023. Phase 1 of the project includes a new electrical substation to be constructed where an existing National Fuel owned 2-inch diameter gas line servicing the Southtowns AWTF site is installed. Approximately 565 feet of this gas line will have to be relocated within the bounds of a new 10-foot-wide right of way to allow for construction of the new electrical substation. The existing right of way will be terminated upon the completion of the gas line relocation. The actual relocation work will be coordinated by the Phase 1 construction contractor and performed by National Fuel. For this gas line work to commence, right of way and relocation agreements with National Fuel are required.

### **CONSEQUENCES OF NEGATIVE ACTION**

The National Fuel owned 2-inch gas line would not be replaced/relocated. As a result, Phase 1 of the Southtowns AWTF Expansion Project would be delayed.



## **STEPS TO FOLLOW APPROVAL**

The Commissioner of the Erie County Department of Environment and Planning will be requested to execute all necessary documents, subject to approval as to form by the County Attorney.

RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Erie County Sewer District No. 3  
National Fuel Gas Distribution Corporation  
Right of Way and Gas Line Relocation Agreements – Southtowns AWTF

WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project requires the relocation of an existing 2-inch diameter gas line owned by National Fuel Gas Distribution Corporation; and

WHEREAS, the DSM recommends executing right of way and gas line relocation agreements to allow the existing 2-inch diameter gas line to be moved.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature approves of a 10-foot-wide right of way to be granted to National Fuel Gas Distribution Corporation within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that National Fuel Gas Distribution Corporation may lay, maintain, alter, operate, relocate, remove, abandon in place, extend, re-lay and change the size of a pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through via a new 2-inch diameter gas line, or future gas lines, as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the property owner, including Right of Way and Gas Line Relocation Agreements, as it relates to the new gas line provided by National Fuel Gas Distribution Corporation for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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COMM. 8E-7	COUNTY EXECUTIVE	ECSD No. 3 - Niagara Mohawk Power Corporation
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**Attachments**

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COMM. 8E-7

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 3  
Niagara Mohawk Power Corporation  
Proposed Easement – Southtowns AWTF**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to granting an easement for Niagara Mohawk Power Corporation.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

cc: J. Fiegl, Division of Sewerage Management

## **MEMORANDUM**

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning  
Re: Erie County Sewer District No. 3  
Niagara Mohawk Power Corporation  
Proposed Easement – Southtowns AWTF  
Date: April 21, 2023

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### **SUMMARY**

Approval to grant an easement to Niagara Mohawk Power Corporation (NMPC) is requested.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. Any subsequent costs for NMPC to provide a new electric service would be included in the larger construction contract for Phase 1 of the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project in Erie County Sewer District (ECSD) No. 3. The General Contractor will make the payment to NMPC.

### **REASONS FOR RECOMMENDATION**

To upgrade the power source for the Southtowns AWTF Expansion Project in ECSD No. 3, a 20-foot wide easement centered on the proposed electrical facilities is needed.

### **BACKGROUND INFORMATION**

The Division of Sewerage Management anticipates advertising for bids for Phase 1 of the Southtowns AWTF Expansion Project in 2023. Phase 1 of the project includes a proposed electrical substation near the Southtowns AWTF main entrance. A new power pole and underground conduit would need to be installed by NMPC to provide electric service to the proposed substation. For this work to commence, a 20-foot wide easement to NMPC would be required.

### **CONSEQUENCES OF NEGATIVE ACTION**

The NMPC's new power source would not be provided. As a result, Phase 1 of the Southtowns AWTF Expansion Project would be delayed.

### **STEPS TO FOLLOW APPROVAL**

The Commissioner of the Erie County Department of Environment and Planning will be requested to execute all necessary documents, subject to approval as to form by the County Attorney.

RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Erie County Sewer District No. 3  
Niagara Mohawk Power Corporation  
Proposed Easement – Southtowns AWTF

WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project would require a new electrical service; and

WHEREAS, the DSM recommends granting Niagara Mohawk Power Corporation (NMPC) a 20-foot wide easement for the new electrical service and associated appurtenances.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature approves of a 20-foot wide easement to be granted to NMPC within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that NMPC may construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at their pleasure, abandon or remove electric facilities as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the property owner, including the easement agreement, as it relates to the new electrical service provided by NMPC for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-8

COUNTY EXECUTIVE

EC Fair Housing Study - Authorization to  
Enter Into an Agreement with Consultant

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Attachments

COMM. 8E-8

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Fair Housing Study – Authorization to Enter into an Agreement  
with Consultant for Professional Consulting Services**

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution authorizing the contracting for professional planning services to undertake a Fair Housing Study for Erie County. After careful consideration, the RFP #2023-007VF Selection Committee has selected Dr. Jason Knight, AICP (SUNY Buffalo State) as the winning respondent.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle, AICP. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mt  
Enclosure

cc: Commissioner of Environment and Planning Daniel Castle, AICP  
Deputy Commissioner Thomas E. Baines, Esq.



## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Environment and Planning  
**Re:** Retaining a Consultant to Undertake an Affordable Housing Study in Erie County  
**Date:** April 21, 2023

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### **SUMMARY**

It is recommended that the Erie County Legislature authorize the County Executive to enter into a Consultant Agreement with Dr. Jason Knight, AICP (SUNY Buffalo State) for the purpose of providing professional planning services to undertake an Affordable Housing Study in Erie County.

### **FISCAL IMPLICATIONS**

The anticipated fiscal impact is \$30,000. Funding for this project has been allotted within the Erie County 2023 Budget.

### **REASONS FOR RECOMMENDATION**

The Selection Committee reviewed, scored, and ranked two proposals received for this engagement. It was the opinion of the Committee that Dr. Jason Knight, AICP (SUNY Buffalo State) had a clear advantage over the other firm relative to his local presence and knowledge of affordable housing conditions within our area. Dr. Knight is best able to understand the needs of this engagement and provide a detailed housing analysis for the entire County. Further, his budget proposal was much more competitive as compared with the other firm. For these reasons, it was recommended on March 24, 2023, that Dr. Jason Knight, AICP be awarded this engagement as the best quality and value for the project.

### **BACKGROUND INFORMATION**

The need for creation of more affordable housing units across the nation, and more specifically within Erie County, has been well documented and well discussed. To better address this oftentimes complex issue of developing new affordable units, especially as pertains to our local conditions, the Department of Environment and Planning has sought out a professional planning consultant to study local affordable housing conditions. The study seeks to analyze affordable housing needs within the County, both urban and rural, and focus on linkages with municipal zoning ordinances, public transportation, and the availability of other essential neighborhood services and amenities. The main objective of the study is to undertake research that assists local governments and potential developers with siting and development of affordable housing.

On January 20, 2023, the Department of Environment and Planning released a Request for Proposals for an Affordable Housing Study. Two (2) proposals were received. Dr. Jason Knight's extensive research experience, familiarity with local housing conditions, and competitive budget proposal deemed him the winner.

## **CONSEQUENCES OF NEGATIVE ACTION**

If authorization is not granted, the County will not be able to enter into a Consulting Agreement with Dr. Knight for the purpose of studying affordable housing conditions throughout Erie County. In absence of a more comprehensive study of local conditions as related to municipal zoning ordinances, and availability of public transportation and neighborhood amenities, development of additional affordable units may continue at a subpar and scattershot pace. Lack of a coherent plan for siting new affordable developments also hinders municipalities within the County who have the will to bring additional affordable units online in their community, but don't necessarily have the logistics or a starting point in mind.

## **STEPS FOLLOWING APPROVAL**

Upon approval of the resolution, an agreement with Dr. Jason Knight, AICP (SUNY Buffalo State) will be developed with a scope of work outlining what services are to be provided.

A RESOLUTION SUBMITTED:

DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Retaining a Consultant to undertake an Affordable Housing Study in Erie County;

WHEREAS, the need for developing additional units of affordable housing is a priority for Erie County; and

WHEREAS, Erie County recognizes that various urban, suburban and rural communities within the County seek to explore creation of new units but may lack the technical expertise relative to siting such developments; and

WHEREAS, the County recognizes that studying existing zoning, public transit, and neighborhood amenity patterns relative to affordable housing development is beneficial in strategically locating such sites; and

WHEREAS, Erie County has solicited proposals from qualified professional planning consultants for proposals to undertake such Affordable Housing Study; and

WHEREAS, the results of the selection process are included as an attachment to this resolution as outlined in the Erie County Administrative Code 26.08; and

WHEREAS, Erie County desires to work with Dr. Jason Knight, AICP (SUNY Buffalo State) to produce such Study; and

WHEREAS, this Affordable Housing Study is intended to assist Erie County and local municipalities with bringing additional units of affordable housing online and;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement to provide professional planning services to conduct an Affordable Housing Study in an amount not to exceed \$30,000 with Dr. Jason Knight, AICP (SUNY Buffalo State); and be it further

RESOLVED that an amount of \$30,000 be allocated from the 2023 Erie County Budget in fund 110, fund center 16200, general ledger 516020; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further


RESOLVED, that certified copies of this resolution be sent to the Erie County Executive's Office; County Attorney; Comptroller's Office; Division of Budget and Management; and Department of Environment and Planning.

**Affordable Housing Study RFP Results**  
**RFP #20023-007VF**

Consultant	Pricing	Reivewer Rankings			Ranking
		#1	#2	#3	
Dr. Jason Knight (SUNY Buffalo State)	\$30,000	1	2	1	1
RKG Associates	\$47,850	2	1	2	2

Date: March 23, 2023

**Selected Firm:**  
**Dr. Jason Knight, AICP**



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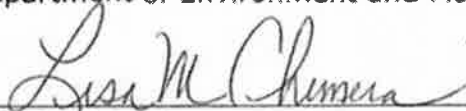
THOMAS E. BAINES, ESQ.  
Deputy Commissioner, DEP

<p align="center"><b><u>Erie County RFP Award</u></b> <b><u>March 23, 2023</u></b></p> <p align="center"><b>Affordable Housing Study</b> <b>RFP #2023-007VF</b></p>	<p align="center"><b><u>Firm Name</u></b></p> <p align="center"><b>Dr. Jason Knight, Phd, AICP</b> <b>SUNY Buffalo State</b></p>
<p align="center"><b>Ranking</b></p>	<p align="center"><b>1</b></p>

In my opinion, in recommending Dr. Jason Knight, SUNY Buffalo State, the Department of Environment and Planning has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other material related to this matter are available for review at the Department of Environment and Planning Office during regular business hours.



DANIEL CASTLE, AICP, Commissioner  
Department of Environment and Planning



LISA CHIMERA, Deputy County Executive  
County Executive Office

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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COMM. 8E-9	COUNTY EXECUTIVE	PILOT Agreement for Ellicott Town Center, City of Buffalo - Affordable Housing Development
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**Attachments**

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COMM. 8E-9

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Payment in Lieu of Taxes (PILOT) Agreement for Ellicott Town Center, City of Buffalo – Affordable Housing Development**

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for Ellicott Town Center. The resolution authorizes the County Executive to execute an agreement with Ellicott Town Center LLC, First Shiloh 2 Housing Development Fund Company, Inc., and the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/jw  
Enclosure

cc: Daniel R. Castle, Commissioner



## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Payment in Lieu of Taxes (PILOT) Agreement Ellicott Town Center Project, City of Buffalo – Affordable Housing Project  
**Date:** April 21, 2023

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### **SUMMARY**

The resolution authorizes the County Executive to execute a PILOT Agreement with Ellicott Town Center LLC, First Shiloh 2 Housing Development Fund Company, Inc., and the City of Buffalo.

The owner is seeking a PILOT from the City of Buffalo and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

### **FISCAL IMPLICATIONS**

In accordance with the PILOT policy, the proposed PILOT payment for Ellicott Town Center shall be based on a payment of \$114,572 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The County would receive twenty-five percent (25%) of each annual payment, and the City of Buffalo would receive seventy-five percent (75%) of each annual payment. The payment Schedule A lists the payments for the 15 years of the Agreement.

### **REASONS FOR RECOMMENDATION**

The City of Buffalo supports the PILOT and on April 4, 2023, the Common Council approved Ellicott Town Center Project PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

### **BACKGROUND INFORMATION**

The residential project involves the rehabilitation of the existing 281-unit Ellicott Town Center affordable housing complex in the City of Buffalo. The project consists of the acquisition, rehabilitation, and preservation of 281 units for low-income tenants within four high-rise tower buildings located at 211 & 233 East Eagle Street, and 202 & 214 South Division Street, and the Shiloh Senior Homes townhomes-style facility at 245 East Eagle Street. Additionally, parcels at 215 East Eagle Street, 216 East Eagle Street and 243 East Eagle Street are part of the project. There are multiple tax parcels on which the existing project is located. The project has a total of 281 units, including 257 1, 2, and 4-bedroom units in the high-rise towers and 24 2-bedroom units in the senior buildings. The project will provide affordable housing opportunities to existing residents with 20 units at 90% Area Medium Income (AMI), 207 units at 60% AMI, and 50 units at or below 50% AMI. The total development cost is projected to be \$70,530,939.

## **CONSEQUENCES OF NEGATIVE ACTION**

Without the PILOT, it would not be economically feasible for Ellicott Town Center LLC and/or First Shiloh 2 Housing Development Fund Company, Inc. to complete the project as it is currently structured.

## **STEPS FOLLOWING APPROVAL**

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Ellicott Town Center, City of Buffalo  
– Affordable Housing Project

WHEREAS, Ellicott Town Center Project consists of the acquisition, rehabilitation, and preservation of 281 units for low income tenants within four high-rise tower buildings located at 211 & 233 East Eagle Street, and 202 & 214 South Division Street, the Shiloh Senior Homes townhomes-style facility at 245 East Eagle Street and parcels at 215 East Eagle Street, 216 East Eagle Street and 243 East Eagle Street; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Ellicott Town Center LLC and First Shiloh 2 Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given for the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Ellicott Town Center LLC, First Shiloh 2 Housing Development Fund Company, Inc., and the City of Buffalo and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Real Property Tax Services, Department of Environment and Planning, and the Department of Law.

**SCHEDULE A  
PILOT Payments**

Year	Total	City	County
1	\$ 114,572	\$ 85,929	\$ 28,643
2	\$ 118,009	\$ 88,507	\$ 29,502
3	\$ 121,550	\$ 91,163	\$ 30,387
4	\$ 125,196	\$ 93,897	\$ 31,299
5	\$ 128,952	\$ 96,714	\$ 32,238
6	\$ 132,821	\$ 99,616	\$ 33,205
7	\$ 136,805	\$102,604	\$ 34,201
8	\$ 140,909	\$105,682	\$ 35,227
9	\$ 145,137	\$108,853	\$ 36,284
10	\$ 149,491	\$112,118	\$ 37,373
11	\$ 153,976	\$115,482	\$ 38,494
12	\$ 158,595	\$118,946	\$ 39,649
13	\$ 163,353	\$122,515	\$ 40,838
14	\$ 168,253	\$126,190	\$ 42,063
15	\$ 173,301	\$129,976	\$ 43,325

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-10	COUNTY EXECUTIVE	Chestnut Ridge Park Culvert PK-21 Stone Wall Replacement
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Attachments

COMM. 8E-10

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Chestnut Ridge Park Culvert PK-21 Stone Wall  
Replacement Town of Orchard Park  
CAP-PK-21-WALL-22**

Dear Honorable Members:

The Department of Parks, Recreation, and Forestry is requesting authorization for the County Executive to execute a Change Order to the construction contract for McLaughlin Construction Corp. dba Edbauer Construction, as well as an Amendment with the project consultant, Greenman-Pedersen, Inc. to cover additional construction inspection services.

Should your Honorable Body require further information, I encourage you to contact Commissioner Troy Schinzel at the Department of Parks, Recreation, and Forestry. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/kc  
Enclosure

cc: Troy Schinzel, Commissioner of the Department of Parks, Recreation, and Forestry

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Parks, Recreation, and Forestry and the Department of Public Works/Division of Highways  
**Re:** Chestnut Ridge Park Culvert PK-21 Stone Wall Replacement  
Town of Orchard Park  
CAP-PK-21-WALL-22  
**Date:** April 21, 2023

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### **SUMMARY**

This resolution is requesting authorization for the County Executive and the Department of Parks, Recreation, and Forestry to execute a Change Order to the current construction contract with McLaughlin Construction Corp. dba Edbauer Construction (COMM. 9E-6 (2022)) for the above noted Capital project. In addition, we are requesting an Amendment to the current contract with Greenman-Pedersen, Inc. (COMM. 17E-5 (2021)) to cover additional construction inspection costs. Additional unforeseen work was required due to previous unknown foundations below the existing walls, and increased paving to provide a better final road surface. A Change Order and Amendment are now required to pay for the additional construction and construction inspection costs.

### **FISCAL IMPLICATIONS**

The additional funding required for the construction phase of this project is estimated at \$36,000. This amount is available from Fund 410, Funds Center 164, Project A.21112 - 2021 Countywide Parks Improvements.

Additional construction funds, currently estimated at \$31,000 are needed for the McLaughlin Construction Corp. dba Edbauer Construction contract. Additional funds needed for Greenman- Pedersen, Inc. construction inspection are currently estimated at \$5,000.

### **REASONS FOR RECOMMENDATION**

The replacement of the Stone Walls is under construction with a majority of the work performed in 2022. The final work on the walls will be completed in early 2023 before Chestnut Ridge Park is fully reopened to traffic in this area. The additional work performed was needed due to existing foundation conditions which were not able to be determined until demolition and excavation at the project site took place. In addition, milling and paving of the full roadway width at this location was added to the project to provide a better final road surface with increased longevity.

### **BACKGROUND INFORMATION**

The existing stone walls at this culvert location were in poor condition, with the ends having fallen over. Several stones were missing along the length of the walls, and the wall caps were broken or missing. The existing stone walls were removed, the stone salvaged, new concrete foundations and wall were installed with the existing stone used for facing on both sides. Improvements to the roadway adjacent to the walls was also made.

## **CONSEQUENCES OF NEGATIVE ACTION**

If the proposed resolution is not approved, the contractor and consultant would not be able to be paid for additional work which was agreed upon as being necessary for the project. This would jeopardize successful completion of the remaining portions of the work to complete the project.

## **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the County Executive and the Department of Parks, Recreation, and Forestry will execute a Change Order to the current contract with McLaughlin Construction Corp. dba Edbauer Construction for the additional construction costs required. We will also execute an Amendment to the current contract with Greenman-Pedersen, Inc. for the additional construction inspection services required.



**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Timothy C. Callan 3/27/23

Timothy C. Callan : J  
Deputy  
Comptroller  
Comptrollers's  
Office

A.21112- 2021 Countywide Parks Improvement

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC  
WORKS DIVISION OF HIGHWAYS

RE: Chestnut Ridge Park Culvert PK-21 Stone Wall  
Replacement Town of Orchard Park  
CAP-PK-21-WALL-22

WHEREAS, the Stone Walls at Culvert PK-21 in Chestnut Ridge Park are deteriorating and causing a potential safety hazard of the travelling public; and

WHEREAS, the replacement of the stone Walls at Culvert PK-21 in Chestnut Ridge Park (Project CAP-PK-21-WALL-22) was approved by your Honorable Body via COMM 17E-15 (2021) and COMM 9E-6 (2022); and

WHEREAS, unforeseen conditions found during the construction resulted in additional construction costs, an extended construction schedule, and the need for additional construction inspection; and

WHEREAS, the work performed was beyond the scope of the original project and therefore requires additional funding; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute a Change Order with the Contractor, McLaughlin Construction Corp. dba Edbauer Construction, for the increase in construction costs estimated at \$31,000 for the Construction phase of the project; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute an Amendment with the Consultant, Greenman-Pedersen, Inc., with an increase in funding for the Construction Inspection phase of the Project estimated at \$5,000; and

WHEREAS, the additional \$36,000 needed for the Change Order and Amendment is available from Fund 410, Funds Center 164, Project A.21112 - 2021 Countywide Parks Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute any necessary Change Orders with the Project Contractor; McLaughlin Construction Corp. dba Edbauer Construction in an amount not to exceed \$31,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute any necessary Amendments with the Project Consultant, Greenman-Pedersen, Inc. in an amount not to exceed \$5,000; and be it further

RESOLVED, that the additional funds for the Project will be allocated from Fund 410, Funds Center 164, Project A.21112- 2021 Countywide Parks Improvements; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive's Office, Division of Budget and Management, Department of Parks, Recreation, and Forestry.

TO: COMPROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME	McLaughlin Construction Corp. dba Edbauer Construction (COMM. 9E-6 (2022)) Greenman-Pedersen, Inc. (COMM. 17E-5 (2021))
2. AMOUNT OF CONTRACT	COMM. 9E-6 (2022)- \$31,000 COMM. 17E-5 (2021)- \$5,000 <u>Total: \$36,000 additional funding for the above 2 contracts</u>
3. PROJECT NUMBER	A.21112
4. PROJECT TITLE	<u>2021 Countywide Parks Improvements</u>
5. DEPARTMENT CONTACT	Kathleen Carbone – x6514

COMPROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS	<u>\$68,413.24</u>
7. PERFORMED BY	<u>Thystrom</u>
Date Sent to Comptroller's Office:	<u>03/23/2023</u>

[55 compt\_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 3/23/2023

PROJECT TITLE: A.21112 - 2021 Countywide Parks Improvements and ADA Accessibility

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES  NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT  
IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ 1,950,000.00
Total Project Appropriations	\$ 1,950,000.00
Less: Total Expenditure to Date	\$ 1,688,756.77
Less: Total Commitments	\$ 192,829.99
Available Appropriations as Of Date of Request	\$ 68,413.24
Less: Contract Amount	\$
Net Available Appropriations	\$ 68,413.24

Comments: There is currently \$262,175.77 cash within the project. This project is funded by the 2021 Bond Sale.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Request Approved: \_\_\_\_\_

Request Denied: \_\_\_\_\_

Date: 3/27/23

- ▼ Variation Characteristics
- Fund
- Funds Center
- Funded Program
- Fiscal Year

Projects Budget Consumption Report Date: 03/24/2023

Division/Group: 410  
 Center: (2021 y-wde Parks Improv & P.A. Access)

Commitment Item	Original Budget	Adjustments	Current Budget	Encumbrance	Actuals
* Revenue	750,000.00	1,200,000.00	1,950,000.00		137,077.28- 012, 22,72- 1,200,000.00-
506200 MAINTENANCE & REPAIRS					
561400 PROFESSIONAL SERVICE CONTRACTS AND FEES					
561430 BUILDING EQUIPMENT					
561430 BUILDING EQUIPMENT					
* Expense	758,000.00	1,200,000.00	1,958,000.00		1,174,350.00 4,594.00 414,155.64
* Commitment Item					1,950,100.00-

Capital Trial Balance

Fund(s): 400..599 Fiscal Year: 2023 Project(s): A.21112 2021 Ctywde Parks Improv & Bill. Access

Period: 1 to 3

Date Printed: 03/23/2023 Client: 100 Page: 2 of 2

Account	Dr	Cr	YTD Debit	YTD Credit
117000 CASH CONTROL ACCOUNT	369,724.07			
209000 ACCOUNTS PAYABLE CONTROL ACCT	79,948.40		107,548.30	107,548.30
209200 RETIRE ACCOUNT		932.54	27,599.90	27,599.90
205100 REMAINDERS IN RECEIPTS PAYABLE				932.54
399999 UNRECORDED UNDESIGNATED FUND BALANCE				
* Balance Sheet	288,843.13		135,148.20	152,748.10
945870 PREMIUM ON OBLIGATIONS BONDS	137,077.28			
475000 GENERAL OBLIGATION BOND PROCEEDS	612,922.72			
486000 INTERFUND REVENUE SUBSIDY	1,200,000.00			
* Revenues	1,950,000.00			
506200 MAINTENANCE & REPAIR SUPPLIES	94,069.13			
561400 PROFESSIONAL SERVICE CONTRACTS AND FEES	1,147,138.10		27,599.90	
561430 BUILDING EQUIPMENT	4,894.00			
561430 BUILDING EQUIPMENT	414,955.64			

LINE NO.	COLUMN	PROJECT CLASSIFICATION - PROJECT COMPLETION										FUNCTIONAL AREA
		A	B	C	D	E	F	G	H	I	J	
		PROJECT DESCRIPTION (object or purpose)	SPECIFIC CLASS OR COMBINATION	ESTIMATED MAJOR COST	AMOUNT OF BONDS AUTHORIZED	STATE OR FEDERAL AID EXPECTED	OTHER	PROJ. SCHEDULE REFERENCE	CAPITAL BUDGET PAGE REFERENCE			
20	2,211.2	Soundness of the improvement and AIA. Necessity.	C	750,000	750,000			15 yrs. Proj. 102	177			

In 2019, the "The County Parks System Master Plan" was updated. The Master Plan provides direction for capital construction and development of the County Parks. This is a multi-year multi-phase plan. The work of this project is in accordance with the recommendations of the Master Plan and will be necessary to provide for preservation, enhancement, and improvement of existing parks and facilities. Construction of the project is in accordance with the recommendations of the Master Plan and will be necessary to provide for preservation, enhancement, and improvement of existing parks and facilities.

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-11	COUNTY EXECUTIVE	SUNY ECC City Campus, 2021 Ellicott St. Building - Clay Tile Roof Repair Rebid
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Attachments

COMM. 8E-11

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into an Agreement with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project. Bids were received by the Department of Public Works on Tuesday, March 14, 2023 and a copy of the bid tabulations is attached for your reference. The County will receive 50% reimbursement from New York State for this project.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/nt  
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID  
**Date:** April 21, 2023

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### **SUMMARY**

The Department of Public Works (DPW) is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project, located at 121 Ellicott Street, Buffalo, NY 14203. Bids were received by DPW on March 14, 2023. A copy of the bid tabulations is attached for your reference. The lowest bidder failed to submit their Experience Questionnaire as part of the sealed proposal, and was rendered non-responsive and their bid was not be considered in accordance with Erie County Local Law 2-2021.

This project involves the removal of existing clay tile roofing units and re-securement to repaired/replaced wood battens with new anchors capable of resisting calculated loads, and other miscellaneous work on the west and south faces of the building. Bids were previously received by DPW on December 20, 2022 for building-wide repair, however the bid prices far exceeded the consultant's pre-bid estimate. As such, the scope was reduced to approximately half of the roof areas.

### **FISCAL IMPLICATIONS**

Funds for the project are currently available from the approved, as adopted Erie County Capital Budgets, Fund 480, Funds Center 122 as follows:

E.14006	2014 ECC Code Compliance (Collegewide)	\$ 146.33
E.15004	2015 ECC Code Compliance (Collegewide)	\$ 23,528.00
E.17005	2017 ECC Code Compliance (Collegewide)	\$ 36,568.49
E.18005	2018 ECC Code Compliance (Collegewide)	\$ 1,150.00
E.19001	2019 Collegewide Improvements and Renovations	\$ 370,360.48
E.20001	2000 Collegewide Improvements and Renovations	\$ 1,569,546.70
E.21150	2021 ECC City Roof	\$ 1,998,700.00
For a Total Amount Not to Exceed		\$ 4,000,000.00

The County will receive 50% reimbursement from New York State for this project.

### **REASONS FOR RECOMMENDATION**

Remedial action is necessary to ensure that the clay tile units that are currently anchored with smooth shank nails be re-installed with screws to the underlying horizontal wood battens to eliminate their potential to become dislodged by wind and fall to grade.

## **BACKGROUND INFORMATION**

From 2010 to 2012, exterior restorations of the Ellicott Street Building were completed which included replacing the existing asphalt shingles and the sloped roof cladding on the street side around the perimeter of the building with a clay tile roof that duplicates the original. Since then, a number of localized failures have occurred on the clay tile roof system that has compromised pedestrian safety. In 2019, DPW retained the services of a Registered Roof Consultant to complete a forensic investigation of the clay tile system.

Research and analysis performed as part of the investigation revealed that the tile roofing system, including attachment, should have been designed by a structural engineer. Consequently, neither the calculated design resistance of the tiles as installed nor the prescriptive guidelines referenced in the design documents provide a structurally-sound, code-compliant roof assembly for the Ellicott Street Building.

The lifting and/or separation of clay tile units from the building is primarily due to a failure of the smooth shank copper roofing nails that secure the clay tile units to the underlying horizontal wood battens. In addition, the existing roof mortar filler material at all hip locations is failing.

## **CONSEQUENCES OF NEGATIVE ACTION**


If this approval is not obtained, this project cannot be completed resulting in serious life safety concerns of displaced clay tile at 49 to 102 feet height striking pedestrians at street level during the high wind events.

## **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project.

## **COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Comptroller's Office and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.

  
TIMOTHY C. CALLAN  
Deputy Comptroller  
Comptroller's Office

E.14006	2014 ECC Code Compliance (Collegewide)
E.15004	2015 ECC Code Compliance (Collegewide)
E.17005	2017 ECC Code Compliance (Collegewide)
E.18005	2018 ECC Code Compliance (Collegewide)
E.19001	2019 Collegewide Improvements and Renovations
E.20001	2000 Collegewide Improvements and Renovations
E.21150	2021 ECC City Roof

File Copy (DPW Resolution\_BC ECCC Ellicott St Bldg Clay Tile REBID\_Constr Award.docx)

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

RE: SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID

WHEREAS, from 2010 to 2012, exterior restorations of the Ellicott Street Building were completed which included replacing the existing asphalt shingles and the sloped roof cladding on the street side around the perimeter of the building with a clay tile roof that duplicates the original; since then, a number of localized failures have occurred on the clay tile roof system that has compromised pedestrian safety; and

WHEREAS, in 2018 after several localized failures at the City campus, the Department of Public Works contracted with a Register Roofing Consultant to perform a forensic analysis to determine the cause for the roof failures; and

WHEREAS, after onsite investigations were performed, the forensic analysis revealed that neither the calculated design resistance of the tiles as installed, nor the prescriptive guidelines referenced in the design documents provided a structurally-sound, code-compliant roof assembly for the Ellicott Street Building; and

WHEREAS, the investigation and analysis also revealed that the lifting and/or separation of clay tile units from the building is primarily due to a failure of the smooth shank copper roofing nails that secure the clay tile units to the underlying horizontal wood batten and the existing roof mortar filler material at all hip locations is failing; and

WHEREAS, remedial action is necessary to ensure that the clay tile units that are currently anchored with smooth shank nails be re-installed with screws to the underlying horizontal wood battens to eliminate their potential to become dislodged by wind and fall to grade; and

WHEREAS, the Department of Public Works coordinated with the Department of Law to determine if there was any recourse to the original design consultant from the 2010 project to hold them accountable, however, it was determined that we were outside the statute of limitations on the project resulting in the inability to hold the original design consultant accountable; and

WHEREAS, based on the forensic analysis and the inability to hold the original design consultant accountable, a different design consultant was selected through the County's standard RFP process to prepare documents to make the necessary corrective action to the existing roof system; and

WHEREAS, the County of Erie previously received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair project on Tuesday, December 20, 2022, however the bid prices far exceeded the consultant's pre-bid estimate, the scope was reduced to approximately half of the roof areas; and

WHEREAS, the County of Erie received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project on Tuesday, March 14, 2023; and

WHEREAS, the lowest bidder failed to submit their Experience Questionnaire as part of the sealed proposal rendering them non-responsive, making it so that their bid could not be considered in accordance with the Erie County Local Law 2-2021; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Jos A. Sanders & Sons, Inc.; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Department of Public Works and Bell & Spina Architects-Planners PC are recommending award of the contract to the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project for an amount not to exceed as follows:

General Construction Work

Jos. A. Sanders & Sons, Inc.	Base Bid:	\$ 3,701,344.00
Total Award of General Construction Contract:		\$ 3,701,344.00

and be it further

RESOLVED, that the sum of \$298,656 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.14006	2014 ECC Code Compliance (Collegewide)	\$ 146.33
E.15004	2015 ECC Code Compliance (Collegewide)	\$ 23,528.00
E.17005	2017 ECC Code Compliance (Collegewide)	\$ 36,568.49
E.18005	2018 ECC Code Compliance (Collegewide)	\$ 1,150.00

E.19001	2019 Collegewide Improvements and Renovations	\$ 370,360.48
E.20001	2000 Collegewide Improvements and Renovations	\$ 1,569,546.70
E.21150	2021 ECC City Roof	\$ 1,998,700.00
For a Total Amount Not to Exceed		\$ 4,000,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and one copy to SUNY Erie and Financial Officer.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Construction Contingency  
Jos A. Sanders & Sons, Inc. \_\_\_\_\_
2. AMOUNT OF CONTRACT Construction Contingency \$ 298,656.00  
Jos A. Sanders & Sons, Inc. \$ 3,701,344.00  
TOTAL \$ 4,000,000.00
3. PROJECT NUMBER E.14006 \$ 146.33  
E.15004 \$ 23,528.00  
E.17005 \$ 36,568.49  
E.18005 \$ 1,150.00  
E.19001 \$ 370,360.48  
E.20001 \$ 1,569,546.70  
E.21150 \$ 1,998,700.00 \_\_\_\_\_
4. PROJECT TITLE SUNY Erie Community College City Campus  
2021 Ellicott Street Building Clay Tile Roof  
Repair REBID \_\_\_\_\_
5. DEPARTMENT CONTACT Funding questions: Kristofer Straus, PE at  
x7294  
Letter pickup: Christy Weber at x8301 \_\_\_\_\_

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 7,363,551.58 \_\_\_\_\_
7. PERFORMED BY *Kristofer Straus* \_\_\_\_\_
- Date Sent to Comptroller's Office: March 31, 2023 \_\_\_\_\_

[55 compt\_10]





Project Name: SUNY ECC City Campus 2021 Ellicott Street Building Clay Tile Roof Repairs (REBID)  
 DPW Project #: 2019-955-02  
 Project Manager: Natalie Tan  
 DPW Inspector: Shawn Griffin  
 A/E Firm: Bell & Spina Architects

Bid Date: March 14, 2023  
 Bid Time: 10:30 AM

**BID TABULATION SHEET**  
**FOR**  
**GENERAL CONSTRUCTION WORK**

BIDDER	BASE BID	COMPLETION TIME (CALENDAR DAYS)	ALT. BID G-1		ADDITIONAL COMPLETION TIME FOR ALTERNATE (+/- CALENDAR DAYS)	ADDENDA ACKNOWLEDGED	APPRENTICESHIP TRAINING PROGRAM	OWNER'S SIGNATURE	CONTRACTOR'S OWN WORKFORCE	NYS VENDOR RESPONSIBILITY QUESTIONNAIRE	EQUAL PAY	M/WBE UTILIZATION PART A FORM	BID BOND	EXECUTIVE ORDER 18	DRUG AND ALCOHOL
			(+/-)	ADD											
Joe. A. SANDERS & SONS, INC.	3,701,344. <sup>00</sup>	690	+ 117,958. <sup>00</sup>	The Removal of the synthetic mortar	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
JAMESON	4,087,800. <sup>00</sup>	540	+ 103,900. <sup>00</sup>		—	✓	✓	✓	✓	○	✓	✓	✓	✓	in.
TITAN ROOFING	3,144,000. <sup>00</sup>	200	+ 98,000. <sup>00</sup>		30	✓	✓	✓	in.	○	✓	○	✓	✓	✓

DEPARTMENT OF PUBLIC WORKS  
 OFFICE OF THE COMMISSIONER

DPW Rev. 05/2015

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-12	COUNTY EXECUTIVE	Grover Cleveland Golf Course Schenck House & Restroom Renovation Project Construction Award
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Attachments

COMM. 8E-12

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EC LEG APR 21 '23 PM 4:11

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Grover Cleveland Golf Course Schenck House and Restroom Renovation Project  
Construction Award**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project. General, Mechanical, Electrical, and Plumbing Construction bids were received by the Department of Public Works on March 8, 2023. Copies of the bid tabulations are attached for your reference.

This project involves the replacement of existing roof and structural repairs, new structural foundations, new windows and doors, interior improvements, asbestos/lead paint abatement, site grading, new concrete sidewalk, new panelboard, wiring, fixtures, receptacles, HVAC equipment, plumbing fixtures and sump pump.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/ma

cc: William E. Geary, Jr., Commissioner, Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Grover Cleveland Golf Course Schenck House and Restroom Renovation Project  
Construction Award  
**Date:** April 21, 2023

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### **SUMMARY**

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project. General, Mechanical, Electrical, and Plumbing Construction bids were received by the Department of Public Works on March 8, 2023.

This project involves the replacement of existing roof and structural repairs, new structural foundations, new windows and doors, interior improvements, asbestos/lead paint abatement, site grading, new concrete sidewalk, new panelboard, wiring, fixtures, receptacles, HVAC equipment, plumbing fixtures and sump pump.

### **FISCAL IMPLICATIONS**

Funds for the project are currently available from an approved, as adopted Erie County Capital Project, Fund 410, Funds Center 122, as follows:

<u>A.21162 – 2021 Parks Managed by DPW</u>	<u>\$1,643,654</u>
Total not to exceed	\$1,643,654

### **REASONS FOR RECOMMENDATION**

This project will replace the existing roof, windows and doors which has exceeded its life expectancy to protect the structural integrity of the building to transform this space into a Heritage Museum. This project will upgrade all the antiquated HVAC, electrical and plumbing and bring it up to the current codes and standards. This project will make the necessary repairs and prevent future deterioration of these buildings.

### **BACKGROUND INFORMATION**

The Grover Cleveland Park and Golf Course has an impressive and storied history dating back to the early 1900's as a 111-acre park encompassing an 18-hole golf course. The Schenck House is one of the oldest stone buildings in Erie County, possibly dating back as early as 1810's. If this project does not progress, the buildings will continue to deteriorate, and the loss of these historic buildings is likely.

The bid opening for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project was on March 8, 2023. General, Mechanical, Electrical and Plumbing Construction bids were received and opened.

## **CONSEQUENCES OF NEGATIVE ACTION**

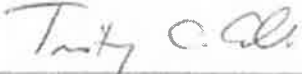
If the contract is not approved, the existing house will continue to deteriorate impacting the structure as well as contents of the building. With an ever-aging infrastructure, corrective action to repurpose and renovate buildings is essential.

## **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidders.

## **COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

 4/3/23  
\_\_\_\_\_  
Timothy C. Callan  
Deputy Comptroller  
Comptroller's Office

A.21162 – 2021 Parks Managed by DPW

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

RE: Grover Cleveland Golf Course Schenck House and Restroom Renovation Project – Construction Award

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Grover Cleveland Golf Course to renovate the existing historic Grover Schenk House and Restroom Building; and

WHEREAS, the Department of Public Works and Watts Architecture and Engineering, DPC are recommending award of the contracts to the lowest responsible bidder for the General, Mechanical, Electrical and Plumbing Contract received on March 8, 2023; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the lowest responsible bidder for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work

<u>Walter Johnson Building Co., Inc.</u>	<u>Base Bid:</u>	<u>\$ 1,089,604</u>
Total Award of General Construction Contract:		\$ 1,089,604

Mechanical Construction Work

<u>John W. Danforth Company</u>	<u>Base Bid:</u>	<u>\$ 156,500</u>
Total Award of General Construction Contract:		\$ 156,500

Electrical Construction Work

<u>CIR Electrical Construction Corporation</u>	<u>Base Bid:</u>	<u>\$ 198,550</u>
Total Award of Electrical Construction Contract:		<u>\$ 198,550</u>

Plumbing Construction Work

<u>M.K.S Plumbing Corp.</u>	<u>Base Bid:</u>	<u>\$ 49,000</u>
Total Award of Electrical Construction Contract:		\$ 49,000

and be it further

RESOLVED, that the sum of \$150,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Capital Projects in Fund 410, Funds Center 122 as follows:

<u>A.21162 – 2021 Parks Managed by DPW</u>	\$1,643,654
Total not to exceed	\$1,643,654

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and the Department of Parks, Recreation & Forestry.



TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME  
Walter Johnson Building Co., Inc.  
John W. Danforth Company  
CIR Electrical Construction Corporation  
M.K.S Plumbing Corp.
2. AMOUNT OF CONTRACT  
Walter Johnson Building Co., Inc. \$1,089,604  
John W. Danforth Company \$156,500  
CIR Electrical Construction Corp. \$198,550  
M.K.S Plumbing Corp. \$49,000  
Construction Contingency \$ 150,000  
Total \$ 1,643,654
3. PROJECT NUMBER  
A.21162 – 2021 Parks Managed by DPW
4. PROJECT TITLE  
Grover Cleveland Golf Course Schenk House  
and Restroom Renovation Project
5. DEPARTMENT CONTACT  
Funding questions: Kristofer Straus, PE at x7294  
Letter pickup: Christy Weber at x8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS  
\$ 7,524,879.90
7. PERFORMED BY  
*Kristofer Straus*

Date Sent to Comptroller's Office:

March 31, 2023

[55 compt\_10]



Unofficial Bid Results

Job Name: **GROVER CLEVELAND GOLF COURSE SCHENCK HOUSE & RESTROOM RENOVATION**  
Date: 3/8/2023

Project No.: 2022-911-01, **GENERAL CONSTRUCTION**  
Time: 10:30am local time

**DEPARTMENT OF PUBLIC WORKS  
DIVISION OF BUILDINGS AND GROUNDS**

<b>Bidder</b>	<b>Base Bid</b>
<b>Walter S. Johnson Bldg. Co., Inc.</b>	<b>\$1,089,604.00</b>



## Unofficial Bid Results

Job Name: **GROVER CLEVELAND GOLF COURSE SCHENCK HOUSE & RESTROOM RENOVATION**  
Date: 3/8/2023

Project No.: 2022-911-01, **MECHANICAL CONSTRUCTION**  
Time: 10:30am local time

### DEPARTMENT OF PUBLIC WORKS DIVISION OF BUILDINGS AND GROUNDS

<b>Bidder</b>	<b>Base Bid</b>
<b>John W. Danforth Company</b>	<b>\$156,500.00</b>



## Unofficial Bid Results

Job Name: **GROVER CLEVELAND GOLF COURSE SCHENCK HOUSE & RESTROOM RENOVATION**  
Date: 3/8/2023

Project No.: 2022-911-01, **ELECTRICAL CONSTRUCTION**  
Time: 10:30am local time

### **DEPARTMENT OF PUBLIC WORKS DIVISION OF BUILDINGS AND GROUNDS**

<b>Bidder</b>	<b>Base Bid</b>
CIR Electrical Construction Corp.	<b>\$198,550.00</b>



## Unofficial Bid Results

Job Name: **GROVER CLEVELAND GOLF COURSE SCHENCK HOUSE & RESTROOM RENOVATION**  
Date: 3/8/2023

Project No.: 2022-911-01, **PLUMBING CONSTRUCTION**  
Time: 10:30am local time

### DEPARTMENT OF PUBLIC WORKS DIVISION OF BUILDINGS AND GROUNDS

Bidder	Base Bid
<b>M.K.S. Plumbing Corp.</b>	<b>\$49,000.00</b>

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8E-13	COUNTY EXECUTIVE	Personnel Adjustment - EC Department of Probation & Increased Appropriation for Electronic Monitoring
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Attachments

COMM. 8E-13

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EC LEG APR 21 '23 PM 4:11

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 21, 2023

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, New York 14202

**Re: Personnel Adjustment – Erie County Department of Probation and  
Increased Appropriation for Electronic Monitoring**

Dear Honorable Members:

Please find attached a resolution and an accompanying memorandum from the Erie County Department of Probation requesting authorization to appropriate available funds from the County Pretrial Services NYS DCJS funding to add the position of Probation Officer (GRP 11) and to appropriate additional funds for the electronic monitoring of defendants on pretrial supervision.

If your Honorable Body requires any further information, please contact Commissioner Michelle A. Olszowy at the Probation Department. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/bm  
Enclosure

cc: Michelle A. Olszowy, Commissioner Probation Department

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Probation Department  
**Re:** Personnel Adjustment – Erie County Department of Probation  
and Increased Appropriation for Electronic Monitoring  
**Date:** April 21, 2023

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### **SUMMARY**

Legislative authorization is sought to transfer available funds from deferred revenue to the appropriate accounts to add an additional Probation Officer (GRP11) and to reimburse the county for the cost of electronic monitoring of defendants on pretrial supervision.

### **FISCAL IMPLICATIONS**

None. The New York State Division of Criminal Justice Services (DCJS) awarded the Probation Department \$1,996,994 in October of 2022 for the purpose of reimbursing the county for costs associated with providing pretrial services. The funds have been received. Furthermore, addition funds are anticipated this year via NYS DCJS for Pretrial Services.

<b><u>Annualized Salary</u></b>	<b><u>\$60,601</u></b>
<b><u>Salary for Balance of Year</u></b> (anticipated 6/3/23 start date)	<b><u>\$32,632</u></b>
<b><u>Funding Source</u></b>	<b><u>NYS DCJS</u></b>
If Grant funded:	
Grant Source:	<u>N/A</u>
Grant Duration:	<u>N/A</u>
Remaining Grant Funding:	<u>N/A</u>
Alternative Source of Funding if Grant is not renewed:	<u>N/A</u>

### **REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION**

In 2020 New York State enacted Bail Reform legislation, that among other things, changed the nature of pretrial service delivery across the state. In Erie County, pretrial services are provided by the Probation Department. Since implementation, the number of defendants court ordered to the pretrial Release Under Supervision (RUS) program has increased. The department has also seen an increase in court ordered electronic monitoring for RUS defendants. The NYS DCJS notified the county of an award to offset the costs associated with the provision of certified pretrial services, including but not limited to screening, assessments, supervision, and reporting



required under this new legislation. Unlike other awards, the total amount of the award was received in October 2022 and recorded as deferred revenue. Legislative authority is required to appropriate any of these funds.

Currently, Probation has identified two items that are essential to meet existing pretrial service needs.

- 1) An additional Probation Officer and a computer and a breathalyzer.
- 2) Funds to offset the rental of electronic monitoring equipment and daily monitoring fee for defendants on pretrial Release Under Supervision.

Duties required of the position required by Law or Contract: Contract

Position Classification: CSEA Grade 11 Step 0

### **CONSEQUENCES OF NEGATIVE ACTION**

The Probation Department will be hampered in the performance of its duties. The pretrial Release Under Supervision cases have steadily increased. The total number of individuals released pretrial to the program's supervision in 2021 was 453, and in 2022 the number was 929. This is a 105% increase in one year. The estimated cases for 2023 is 1,250. This upward trend is expected to continue. Currently there are five Probation Officers who supervise individuals released to the pretrial program. The addition of a Probation Officer will enable more manageable workloads.

### **STEPS FOLLOWING APPROVAL**

The Erie County Probation Department will work with the Division of Budget and Management, the Department of Personnel and the Department of Purchase to implement this request.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PROBATION

Re: Personnel Adjustment – Erie County Department of Probation  
and Increased Appropriation for Electronic Monitoring

WHEREAS, the Erie County Probation Department provides pretrial Release Under Supervision services for the courts as an alternative to incarceration; and

WHEREAS, Bail Reform legislation enacted by New York State in 2020 has significantly increased the caseloads of the Probation Officers providing pretrial Release Under Supervision services as well as the demand for electronic monitoring of released defendants; and

WHEREAS, the attached resolution requests authorization to add a Probation Officer position within the Erie County Probation Department to the pretrial services staff to address the increase in caseloads and the resulting increase in electronic monitoring of defendants; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department funding to address expenses related to the provision of Pretrial Services; and

WHEREAS, the Erie County Probation Department proposes to use a portion of this funding to add a Probation Officer position and to increase the 2023 budget amount for electronic monitoring; and

WHEREAS, these appropriations will not result in an increase in County funding of the existing Probation Department’s 2023-2025 Budgets and will be readdressed with the 2026 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes to add one Probation Officer position effective June 3, 2023 (B-100 #13653) in the 2023 Probation Department General Fund; and be it further

RESOLVED, that authorization is hereby given for the following budgetary increase in the 2023 Budget of the Probation Department to fund the cost of the new position and increases in electronic monitoring costs,

Probation Fund 110, Fund Center 12610		
<u>Account</u>	<u>Revenue</u>	<u>Increase</u>
409060	State Aid Pretrial Service	\$78,394

Account	Appropriation	Increase
500000	Full Time Salaries	\$32,632
502000	Fringe Benefit	\$16,316
516030	Maintenance Contracts	\$27,846
561410	Lab and Technical Equipment	<u>\$ 1,600</u>
		\$ 78,394

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement any budget adjustments and to make any technical adjustments required to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, Personnel Department, Department of Purchase and the Probation Department.

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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COMM. 8E-14	SHERIFF & COUNTY EXECUTIVE	Tablet Program Expansion & Community Reintegration Office Furniture
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**Attachments**

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COMM. 8E-14

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JOHN C. GARCIA  
SHERIFF  
WILLIAM J. COOLEY  
UNDERSHERIFF



ADMINISTRATIVE OFFICES  
10 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202-3913  
(716) 858-7618  
FAX: (716)858-7882  
WEBSITE: <http://www.erie.gov/sheriff>

## SHERIFF OF ERIE COUNTY

April 24, 2023

The Honorable  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

**Re: Tablet Program Expansion and Community Reintegration Office Furniture**

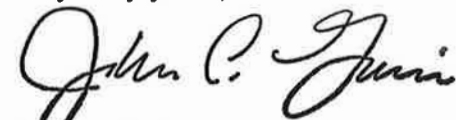
Dear Honorable Members:

The attached resolution requests authorization to transfer dedicated funds from the Telephone Revenue Account to purchase 475 tablets for the Erie County Holding Center and the Erie County Correctional Facility.

The resolution also requests authorization to transfer funds from the Telephone Revenue Account to purchase office furniture for the expanded Community Reintegration offices.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

  
John C. Garcia  
Sheriff of Erie County

  
Mark C. Poloncarz  
County Executive

Attachments

## ACCOMPANYING MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Sheriff's Office  
**Re:** Tablet Program Expansion and Community Reintegration Office  
**Date:** April 24, 2023

### Summary of Recommended Action

The Legislature needs to authorize the transfer of \$127,000.00 from the Telephone Revenue to the appropriate Erie County Sheriff's Office accounts to purchase tablets for the Erie County Holding Center and the Erie County Correctional Facility. The funds will also be used to buy office furniture for Community Reintegration offices.

The Honorable Body must waive the procedures in Section 19.08 of the Erie County Administrative Code to purchase the tablets and charging carts from Keefe Commissary Network. These are the only tablets available that will interact with the commissary system installed at both facilities (sole source letter attached).

### Fiscal Implications of the Proposal

This resolution will not impact the 2023 County Budget because Telephone Revenue Funds will be utilized for the following items.

Transfers:

1. \$82,000.00 from account 221800 - Telephone Revenue to account 561410 – Lab and Tech;
2. \$45,000.00 from 221800 – Telephone Revenue to account 561420 – Office Furniture and Fixtures.

Total = \$127,000.00

### Reasons for Recommendation

The Erie County Sheriff's Office has implemented a tablet program at the Erie County Holding Center for educational, skill training, and entertainment purposes. However, there are limited tablets, and the Sheriff's Office seeks to purchase 475 additional tablets. These tablets will provide greater access to the incarcerated population of the holding center and the correctional facility.

The Community Reintegration Office has expanded as the number of programs offered to incarcerated individuals increased over the past years.

The reintegration offices have moved from the holding center to space at 134 West Eagle Street to accommodate the increase in staffing at the sheriff's Office and the non-governmental agencies. The approved funds will purchase office furniture for county staff and provide workstations for the staff from various service providers. The office furniture will be purchased from Millington-Lockwood, an approved New York State bidder.

### Consequences of Negative Action

Failure to approve this request will prevent the Sheriff's Office from upgrading and expanding the tablet program in the holding center and correctional facility and purchasing office furniture for county and service provider personnel.

Steps Following Approval of Measure

Certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing, and the Sheriff's Office for implementation.



Erie County Sheriff's Office / Division of Corrections  
10 Delaware Ave  
Buffalo, NY 14202

To Whom It May Concern:

This letter is to confirm that the *Score 7 tablet and its application solution* is a sole source product, manufactured, sold and distributed exclusively by Keefe Group companies. The *Score 7 tablet and applications* are only available to the correctional market

This product and services must be operated directly by assigned Erie County Sheriff's Office / Division of Corrections personnel and will only function within a Keefe Group owned and operated network which has been deployed at each Erie County, NY correctional facilities.

Please reach out to me if there is any other additional information needed. Keefe appreciates your partnership with all programs deployed within Erie County, NY correctional institutions.

Sincerely,

Scott Conrath  
KCN Regional Manager

Cc:

Brad Coens – ICSolutions Regional Manager  
Eric Sower – Keefe Group, Account Manager



A RESOLUTION SUBMITTED BY:  
ERIE COUNTY SHERIFF'S OFFICE & ERIE COUNTY EXECUTIVE

Re: Tablet Program Expansion and Community Reintegration Office

WHEREAS, the Erie County Sheriff's Office has initiated a tablet program for the incarcerated population; and

WHEREAS, the tablets are used for educational, personal skill-building, and entertainment purposes; and

WHEREAS, the tablets are used in conjunction with service providers to enhance programming; and

WHEREAS, the Erie County Sheriff's Office will purchase an additional 475 tablets and 70 charging carts from Keefe Commissary Network, which will provide greater access to the tablets for the incarcerated population at the holding center and the correctional facility; and

WHEREAS, the Erie County Sheriff's Office will transfer \$82,000.00 from account 221800 – Telephone Revenue to account 561410 – Lab & Tech to purchase the tablets and charging carts; and

WHEREAS, the Sheriff's Office created the Community Reintegration Division to provide educational, personal skill-building, and re-entry programming to the incarcerated population; and

WHEREAS, the Community Reintegration offices have moved to 134 West Eagle Street due to the expansion of services and the number of service providers; and

WHEREAS, the division needs additional office furniture to provide workstations for the increased county and non-county personnel within the office; and

WHEREAS, the Sheriff's Office will transfer \$45,000.00 from account 221800 – Telephone Revenue to account 561420 – Office Furniture & Fixtures to purchase the furniture; and

WHEREAS the office furniture will be purchased from Millington-Lockwood, an approved New York State bidder; and

WHEREAS, as of April 24, 2024, the Telephone Revenue Account's balance is \$537,396.00; and

WHEREAS, the Sheriff and the County Executive agree the tablet expansion program and the furniture for the Community Reintegration office are appropriate use of the funds; and

WHEREAS, this use of funds complies with COMM. 6E-24, 2013, which states that

telephone revenue “shall be dedicated to the general operation of the Holding Center and Correctional Facility;” and

WHEREAS, these transfers will not have a fiscal impact on the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature authorizes the Division of Budget and Finance to transfer \$82,000.00 from account 221800 – Telephone Revenue to account 561410 – Lab & Tech to purchase the tablets and charging carts; and be it further

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$45,000.00 from account 221800 – Telephone Revenue to account 561420 – Office Furniture & Fixtures to purchase the furniture; and be it further

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of purchasing the tablets and charging carts from Keefe Commissary Network; and be it further

RESOLVED, that the Erie County Sheriff’s Office and the Division of Budget and Management are authorized to have any unused funds either remain in or returned to the Telephone Revenue Account; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing, and the Sheriff’s Office for implementation.

FISCAL IMPACT: as indicated

Erie County Legislature  
Meeting Date: 04/27/2023

---

SUBJECT

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COMM. 8E-15

COMPTROLLER

Submission Pursuant to EC Code of Ethics

---

Attachments

COMM. 8E-15

---

**Kevin R. Hardwick**  
153 Frederick Road  
Tonawanda, NY 14150  
(716) 693-0486

April 24, 2023

Mr. Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, NY 14202

Dear Mr. Graber:

The purpose of this letter is to comply with our ethics law regarding relatives who hold government positions. The only relatives who are employed by governments in Erie County of whom I am aware are:

- My wife, Deborah L. Hardwick, an elementary teacher for the Buffalo Public Schools;  
and
- My daughter, Aubrey Hill, who is also an elementary teacher for the Buffalo Public Schools.

In addition, I am aware of the following relatives who live outside of Erie County and are employed by government entities:

- My sister, Peggy Holmes, who is employed by Broome Community College;
- My niece, Alicia Woodard, a police officer in Norwich, NY;
- My nephew, Ricky Green, a state trooper in Connecticut;
- My nephew, Jason Woodard, who is a police officer in Jackson Township, Pennsylvania;  
and
- My niece, Sidney Holmes, who is a teacher in the Chenango Valley Central School District in Broome County.

I also have numerous cousins and other relatives who I have lost contact with over the years. To my knowledge, though, none reside in Western New York and I am unaware of any who are employed by government.

Sincerely,



Kevin R. Hardwick  
Erie County Comptroller

Erie County Legislature  
Meeting Date: 04/27/2023

---

SUBJECT

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COMM. 8E-16

MILLS

Letter Concerning Absence for Session No. 8

---

Attachments

COMM. 8E-16

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ERIE COUNTY LEGISLATURE  
REPUBLICAN CAUCUS

April 24, 2023

Hon. April N.M. Baskin, Chair  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Chair Baskin,

I regret that I will unavoidably be unable to attend the session on April 27, 2023. I am scheduled to be out of town on that date for a business meeting.

Thank you.

Yours Truly,

A handwritten signature in blue ink, appearing to read "John J. Mills".

John J. Mills  
Erie County Legislator – 11th District

cc: Robert M. Graber, Clerk  
Erie County Legislature

Erie County Legislature  
Meeting Date: 04/27/2023

---

SUBJECT

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COMM. 8E-17

SHERIFF

Award On-Site Diagnostic Imaging Services  
for the Holding Center & Correctional Facility

---

Attachments

COMM. 8E-17

---

**JOHN C. GARCIA**  
SHERIFF  
**WILLIAM J. COOLEY**  
UNDERSHERIFF



**ADMINISTRATIVE OFFICES**  
10 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202-3913  
(716) 858-7618  
FAX: (716) 858-7882  
WEBSITE: <http://www.erie.gov/sheriff>

## SHERIFF OF ERIE COUNTY

April 25, 2023

The Honorable  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

**Re: Award On-Site Diagnostic Imaging Services for the Holding Center and Correctional Facility**

Dear Honorable Members:

The attached resolution requests authorization to award RFP #2023-004VF and authorizes the Erie County Sheriff's Office and Erie County to enter into a contract with Buffalo Ultrasound for on-site diagnostic imaging services for the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

John C. Garcia  
Sheriff of Erie County

Attachments



**ACCOMPANYING MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Sheriff's Office  
**Re:** Award On-site Diagnostic Imaging Services for the Holding Center and Correctional Facility  
**Date:** April 25, 2023

**Summary of Recommended Action**

The attached resolution requests authorization to award RFP #2023-004VF to Buffalo Ultrasound for on-site diagnostic imaging services for the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility.

This resolution also requests authorization to enter into a three-year agreement for \$25,000.00 per year with Buffalo Ultrasound for on-site imaging services.

**Fiscal Implications of the Proposal**

There are no fiscal implications on the operating budget.

The professional services contract for diagnostic imaging services at the Erie County Holding Center and the Erie County Correctional Facility are funded in accounts:

516020	Professional Services	\$25,000.00
--------	-----------------------	-------------

**Reasons for Recommendation**

The Erie County Sheriff's Office is responsible for the medical care of individuals in its custody. This medical care requires access to radiology services to diagnose medical issues.

Correctional Health issued a Request for Proposal (RFP) twice for expiring on-site radiology services. After not receiving any proposals, following the first publication of the RFP, the Division of Correctional Health issued a new RFP and called past vendors.

Buffalo Ultrasound was the only vendor to submit a proposal on April 10, 2023. As Buffalo Ultrasound was the only proposal received, the Erie County Sheriff's Division of Correctional Health seeks to award Buffalo Ultrasound the RFP (evaluation sheet is attached) and the contract.

**Consequences of Negative Action**

Failure to approve this resolution will leave the Erie County Sheriff's Office without an on-site diagnostic imaging provider for the incarcerated population.

**Steps Following Approval of Measure**

Certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

## **EVALUATION PROCESS**

**Basis of Evaluation:** The evaluation committee will review and evaluate the offers according to the following criteria, but reserves the right to grant an award based on subjective assessment of the needs of Erie County and the ability of the contractor best suited to provide such services deemed to be in the best interest of Erie County.

The Specifications and Requirements, Contractor Qualifications and Cost portions of the offer will be evaluated based on the scoring guide below.

### **EVALUATION CRITERIA**

<b><u>Evaluated Proposal Section</u></b>	<b><u>Weight (%)</u></b>	
<b>Specifications and Requirements</b>	<b>50%</b>	
Comprehensive Radiological Services	20%	20%
EMR Interface and Reports	10%	15%
Timely Delivery of Services	15%	15%
<b>Contractor Qualifications</b>	<b>25%</b>	
Company Profile and Experience	15%	15%
Client References	5%	5%
Client Resume	5%	5%
<b>Cost</b>	<b>25%</b>	
Current Fee Schedule	20%	20%
Software and related EMR Costs	5%	5%
<b>Total:</b>	<b>95%</b>	

**Comments:** Current Vendor with exceptional services. Many years of established roots in WNY. In high demand locally. On time Delivery of services. Will complete interface with EMR upon new contract. Fee schedule-confirmed pricing consistent with NYS Medicaid rates and no cost for IT Services.

**Evaluators:** Sandra Amoia-First Superintendent, Dr. Kevin McGee-CMO, Joanne McVey NP, Mary Armitage RN Support Specialist

A RESOLUTION SUBMITTED BY:  
ERIE COUNTY SHERIFF'S OFFICE

Re: Award On-Site Diagnostic Imaging Services for the Holding Center and Correctional Facility

WHEREAS, the Erie County Sheriff's Division of Correctional Health is responsible for the medical care of individuals in its custody; and

WHEREAS, this medical care requires access to radiology imaging services; and

WHEREAS, Correctional Health has twice issued a Request for Proposal (RFP) for on-site diagnostic imaging services; and

WHEREAS, staff publicly published the RFP and contacted multiple vendors; and

WHEREAS, Buffalo Ultrasound was the only vendor to submit a proposal following the second publication of the RFP; and

WHEREAS, the vendor will provide the following, but not limited to, diagnostic imaging services: x-rays, ultrasound, Doppler, and echocardiographs; and

WHEREAS, the Sheriff's Office recommends that Buffalo Ultrasound be awarded the contract for RFP #2023-004VF; and

WHEREAS, the Erie County Sheriff's Office and the County of Erie shall enter into a three-year agreement with Buffalo Ultrasound for \$25,000.00 per year; and

WHEREAS, either party may terminate the agreement, with or without cause, with ten days written notice; and

WHEREAS, there are no fiscal implications on the operating budget. The professional services contract for diagnostic imaging services at the Erie County Holding Center and the Erie County Correctional Facility are funded in account:

516020	Professional Services	\$25,000.00
--------	-----------------------	-------------

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to award RFP #2023-004VF to Buffalo Ultrasound 388 Evans Street, Williamsville, New York 14221, for on-site diagnostic imaging services comprehensive for the Erie County Sheriff's Division of Correctional Health; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with Buffalo Ultrasound 388 Evans Street, Williamsville, New York 14221; and be it further

RESOLVED, the terms of the agreement are for three years at \$25,000.00, and either party may terminate the contract, with or without cause, with ten days written notice; and be it further

RESOLVED, the contract is funded in Fund Center 11650, in the following accounts:  
516020 Professional Services \$25,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

FISCAL IMPACT: as indicated

**Erie County Legislature**  
**Meeting Date: 04/27/2023**

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**SUBJECT**

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COMM. 8M-1

NFTA

Metro Cash Flow Statements

---

**Attachments**

COMM. 8M-1

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181 Ellicott Street  
Buffalo, New York 14203  
716-855-7300  
Fax: 716-855-7657  
TDD: 855-7650  
www.nfta.com

April 12, 2023

Mr. Robert Graber  
Legislative Clerk  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

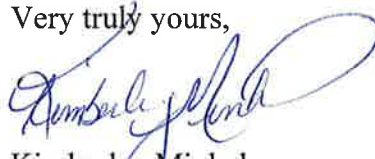
Dear Mr. Graber:

Enclosed herewith are two (2) Cash Flow Statements in accordance with Item 21 of the funding Agreement between the County of Erie and the Niagara Frontier Transit Metro System, Inc., signed February 5, 1991.

The Metro Cash Flow Statements set out an Actual Cash Flow for the period 4/1/22 – 3/31/23 and the Projected Cash Flow for the period 4/1/23 – 3/31/24.

If you have any questions, please feel free to contact me.

Very truly yours,



Kimberley Minkel  
Executive Director

KM/lre

Enclosure

cc: Dr. Kevin Hardwick, Comptroller

NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.  
ACTUAL CASH FLOW, APRIL 2022 - MARCH 2023 (\$000 Omitted)

	Apr	May	Jun	Jul	Aug	Sept.	Oct	Nov	Dec	Jan	Feb	Mar.	Total
<i>Beginning - Cash</i>	12,989	1,532	15,105	6,619	4,461	8,088	78,957	16,400	28,809	17,703	8,492	13,799	12,989
<i>Receipts</i>													
Operating Revenue	1,945	1,989	3,797	1,863	1,530	3,427	8,389	2,166	2,362	2,363	2,040	3,170	35,040
Other Receipts	185	172	21	160	122	169	241	91	364	171	238	0	1,933
Change in Money Center	0	38	22	21	40	27	31	23	17	31	28	0	279
Change in Working Funds	0	(13)	234	(218)	(28)	0	8	(14)	21	12	13	0	12
<i>Net Operating Receipts</i>	2,130	2,185	4,073	1,826	1,663	3,623	8,669	2,266	2,763	2,577	2,319	3,170	37,264
<i>Operating Assistance:</i>													
Erie County Sales Tax	0	0	6,210	0	0	6,693	0	0	6,802	0	0	7,321	27,027
Erie County Mortgage Tax	1,136	1,007	1,038	1,265	1,193	1,568	1,182	959	855	769	752	519	12,263
Niagara County Mortgage Tax	354	167	185	190	207	193	199	170	144	150	150	129	2,238
Peace Bridge Revenue	0	0	0	0	0	0	0	0	0	0	200	0	200
NYS - Section 18b	0	1,025	0	0	1,025	0	0	1,025	0	0	1,025	0	4,100
Erie County Match - 18b	0	914	0	0	914	0	0	914	0	0	914	0	3,657
Niagara County Match - 18b	0	0	0	111	111	0	0	111	0	0	111	0	443
NYS - Additional Funds	0	16,017	0	0	16,017	0	0	16,017	0	0	16,017	0	64,066
NYS - PMA	0	0	0	0	2,721	0	0	0	0	0	0	0	2,721
FTA - PMA	66	0	0	0	0	0	0	0	0	0	0	0	66
FTA - CRRSA/CARES ACT	0	0	0	0	0	78,817	0	0	0	596	0	0	79,413
FTA - Section 18 Section 5311	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Operating Assistance</i>	1,557	19,130	7,453	1,566	22,188	87,271	1,381	19,195	7,801	1,515	19,169	7,969	196,194
<i>Total Operating Receipts &amp; Assistance</i>	3,686	21,315	11,527	3,391	23,851	90,894	10,050	21,461	10,564	4,092	21,488	11,140	233,458
<i>Operating Expenditures:</i>													
Operating Expenditures	(11,939)	(10,475)	(12,677)	(9,997)	(10,200)	(10,847)	(10,017)	(9,320)	(12,086)	(7,975)	(13,791)	(13,639)	(132,963)
NFTA Services	(2,497)	(2,888)	(2,984)	(3,117)	(3,136)	(3,155)	(2,982)	(3,152)	(2,916)	(3,244)	(3,138)	(2,952)	(36,160)
<i>Total Operating Expenditures</i>	(14,435)	(13,363)	(15,660)	(13,114)	(13,337)	(14,002)	(12,999)	(12,472)	(15,216)	(11,219)	(16,928)	(16,592)	(169,123)
<i>Other Receipts &amp; Expenditures</i>													
Erie County 88c (Sec.261, Sub. 2)	785	675	705	844	771	833	836	704	650	556	498	331	8,189
Increase to 88c Investment	(785)	(675)	(705)	(844)	(771)	(833)	(836)	(704)	(650)	(556)	(498)	(331)	(8,189)
Internal Loans	(332)	(379)	(1,011)	744	(482)	(5,905)	6,061	3,529	(6,454)	(1,857)	973	5,468	356
Capital Purchases	(376)	0	(142)	(180)	(217)	(118)	(519)	(109)	(214)	(227)	(226)	(1,165)	(3,493)
Intercompany Transfer/LOC Interest/Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Union Contribution	0	0	0	0	0	0	0	0	0	0	0	0	0
Debt Service	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer to/from Metro investment	0	6,000	(3,200)	7,000	(6,188)	0	(65,150)	0	0	0	0	0	(61,538)
<i>Total Other Receipts &amp; Expenditures</i>	(708)	5,621	(4,353)	7,565	(6,887)	(6,023)	(59,608)	3,420	(6,668)	(2,084)	748	4,302	(64,675)
<i>Net Monthly Cash Flow</i>	(11,457)	13,573	(8,486)	(2,158)	3,627	70,869	(62,556)	12,409	(11,106)	(9,211)	5,307	(1,150)	(340)
<i>Ending - Cash</i>	1,532	15,105	6,619	4,461	8,088	78,957	16,400	28,809	17,703	8,492	13,799	12,649	12,649

**NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.**  
**Projected Cash Flow, April 2023 - March 2024 (\$000 Omitted)**

	Apr	May	Jun	Jul	Aug	Sept.	Oct	Nov	Dec	Jan	Feb	Mar.	TOTAL
<b>Beginning - Cash</b>	12,649	285	3,576	12,998	644	4,162	13,345	1,122	6,965	19,386	7,170	5,214	12,649
Operating Revenue	2,016	2,016	2,016	2,016	2,016	2,016	2,016	2,016	2,016	2,016	2,016	2,016	24,189
Other Receipts	95	95	95	95	95	95	95	95	95	95	96	96	1,145
Change in Money Center	8	5	6	9	4	1	2	7	9	5	8	3	67
Change in Working Funds	(12)	(7)	(4)	(3)	(8)	(9)	(10)	(4)	(9)	(7)	(4)	(6)	(83)
<b>Net Operating Receipts</b>	2,107	2,109	2,113	2,117	2,107	2,103	2,103	2,114	2,111	2,109	2,116	2,109	25,318
<b>Operating Assistance:</b>													
Erie County Sales Tax	0	0	6,822	0	0	6,822	0	0	6,822	0	0	6,822	27,286
Erie County Mortgage Tax	922	922	922	922	922	922	922	922	922	922	922	922	11,067
Niagara County Mortgage Tax	167	167	167	167	167	167	167	167	167	167	167	167	2,000
Peace Bridge Revenue	0	0	0	0	0	0	0	0	0	0	200	0	200
NYS - Section 18b	0	1,025	0	0	1,025	0	0	1,025	0	0	1,025	0	4,100
Erie County Match - 18b	0	914	0	0	914	0	914	0	0	914	0	0	3,657
Niagara County Match - 18b	0	111	0	0	111	0	0	111	0	0	111	0	443
NYS - Additional Funds	0	17,226	0	0	17,226	0	0	17,226	0	0	17,226	0	68,905
NYS - PMA	0	606	0	0	606	0	0	606	0	0	606	0	2,424
FTA - PMA	0	0	0	0	0	0	3,232	3,232	3,232	3,232	3,232	3,232	19,389
FTA - Section 5311	0	0	0	0	0	0	0	0	0	0	0	81	81
FTA - COVID RELIEF	0	0	18,959	0	0	18,959	0	0	18,959	0	0	18,959	75,834
<b>Total Operating Assistance</b>	1,089	20,971	26,869	1,089	20,971	26,869	5,235	23,288	30,101	5,235	23,488	30,182	215,387
Total Operating Receipts & Assistance	3,196	23,080	28,982	3,206	23,078	28,972	7,338	25,402	32,212	7,344	25,604	32,290	240,704
<b>Operating Expenditures:</b>													
Operating Expenditures	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(155,866)
NFTA Services	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(27,600)
<b>Total Operating Expenditures</b>	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(183,466)
<b>Other Receipts &amp; Expenditures:</b>													
Erie County 88c (Sec.261, Sub. 2)	600	600	600	600	600	600	600	600	600	600	600	600	7,200
Increase to 88c Investment	(600)	(600)	(600)	(600)	(600)	(600)	(600)	(600)	(600)	(600)	(600)	(600)	(7,200)
Internal Loans	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital Purchases	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(62,789)
Intercompany Transfer/LOC Interest/Other	61	61	61	61	61	61	61	61	61	61	61	61	737
Union Contribution	0	0	0	0	0	0	0	0	0	0	0	0	0
Debt Service	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer to/from Metro investment	4,000	(230)	0	4,000	0	(230)	0	0	(230)	0	(8,000)	(230)	(919)
Operating Revenue Reserve - Passenger Fares	900	900	900	900	900	900	900	900	900	900	900	900	10,800
Operating Expense Reserve - Personnel	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Other Receipts &amp; Expenditures</b>	(271)	(4,501)	(4,271)	(271)	(4,271)	(4,501)	(4,271)	(4,271)	(4,501)	(4,271)	(4,271)	(4,501)	(52,171)
Net Monthly Cash Flow	(12,364)	3,290	9,422	(12,354)	3,518	9,183	(12,222)	5,842	12,422	(12,216)	(1,956)	12,501	5,067
<b>Ending - Cash</b>	285	3,576	12,998	644	4,162	13,345	1,122	6,965	19,386	7,170	5,214	17,715	17,715



Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8M-2	NYSDEC	DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo
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Attachments

COMM. 8M-2

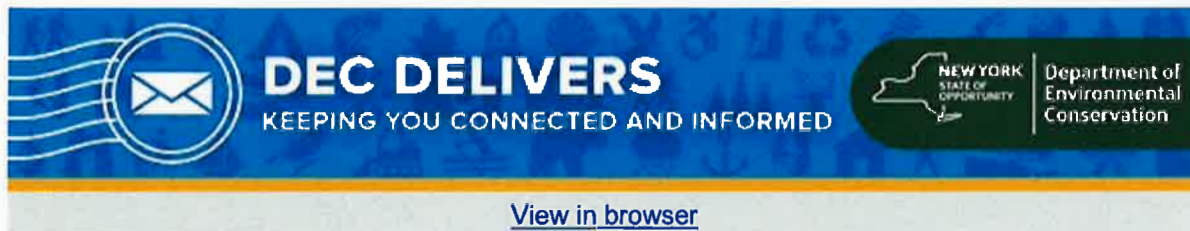
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**Graber, Robert**

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**From:** New York State Department of Environmental Conservation  
<nysdec@public.govdelivery.com>  
**Sent:** Wednesday, April 19, 2023 12:46 PM  
**To:** Graber, Robert  
**Subject:** Simon Properties Southwest Site (Buffalo) - Public Comment Invited on Brownfield Application

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



## DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Jemal's Simon LLC for a site known as **Simon Properties Southwest, site ID #C915387**. This site is located in the City of Buffalo, within the County of Erie, and is located at 23 East Huron Street.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915387/>. The documents also are available at the document repository located at Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Joshua Vaccaro at NYSDEC, 700 Delaware Avenue, Buffalo, NY 14209; via email at [Joshua.vaccaro@dec.ny.gov](mailto:Joshua.vaccaro@dec.ny.gov) or by calling 716-851-7220. **All comments must be submitted by May 19, 2023.**

Site information can be viewed by entering the site ID noted above at: <https://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3>

### What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception

(2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:

<https://www.dec.ny.gov/chemical/8450.html>

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC:      

Basil Seggos, Commissioner

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This email was sent to graberr@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation  
· 625 Broadway · Albany, NY 12233 · (518) 402-8013

Erie County Legislature  
Meeting Date: 04/27/2023

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SUBJECT

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COMM. 8M-3	NYS DEPT. OF AGRICULTURE & MARKETS	Final Notice of Intent to Undertake an Action within an Agricultural District, Grand Island
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Attachments

COMM. 8M-3

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**KATHY HOCHUL**  
Governor

**Agriculture  
and Markets**

**RICHARD A. BALL**  
Commissioner

April 14, 2023

Candace Rossi, Project Manager  
NYSERDA, NY-Sun  
17 Columbia Circle  
Albany, NY 12203

**RE: Final Notice of Intent to Undertake an Action within an Agricultural District, NY Grand Island 2599 Whitehaven Road, Town of Grand Island, Erie County Agricultural District No. 17**

Dear Ms. Rossi,

I have determined that the enclosed Final Notice of Intent, filed with this Department by NYSERDA, for the advance of public funds for the construction of a NY Grand Island 2599 Whitehaven Road, Town of Grand Island, Erie County Agricultural District No. 17 is complete.

The Final Notice has been forwarded to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture, and the County Agricultural and Farmland Protection Board. In consultation with them, the Commissioner shall review the proposed action during the next forty-five (45) day period commencing April 14, 2023 and make an initial determination whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district and state environmental plans, policies and objectives. Furthermore, the Department will be exploring acceptable mitigation options for the proposed project during the next thirty (30) days.

Please be advised that the Department's acceptance as complete of the Final Notice of Intent for the proposed action does not authorize commencement of the project. In order to comply with the provisions of Section 305(4), no funds may be advanced to construct the facility or to acquire land within the district until the Notice process has been completed as set forth in Section 305(4).

Please do not hesitate to contact me, at (518) 457-6320 if you have any questions regarding your Notice filing.

Sincerely,

Judy Littrell  
Senior Environmental Analyst

Cc: Ben Broder, Catalyze Holdings, LLC  
Honorable John Whitney, Grand Island Town Supervisor